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*Washington, Thursday, September 30, 1948*

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL SERVICE COMMISSION

Under authority of § 6.1 (a) of Executive Order No. 9830, the Commission has determined that the positions listed below should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (42) is amended by the addition of a subdivision as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(42) *Civil Service Commission.* * * *

(iii) Positions of members of the Fair Employment Board of the Commission's Central Office and of members of such Regional Fair Employment Boards as may be established.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
*President.*

[F. R. Doc. 48-8733; Filed, Sept. 29, 1948; 8:52 a. m.]

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PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

PHARMACOLOGIST, P-476-0, ALL GRADES

Section 24.94 is hereby added, as follows:

§ 24.94 *Pharmacologist, P-476-0, all grades*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course leading to a bachelor's degree in an accredited college or university. This study must have included courses consisting of lectures, recitations, and practical laboratory work in organic chemistry, biochemistry, pharmacology, toxicology, or physiology and prerequisites to these subjects which total at least 30 semester hours; or

(2) Courses acceptable for credit toward a bachelor's degree in an accredited college or university consisting of lectures, recitations, and practical laboratory work in organic chemistry, biochemistry, pharmacology, toxicology, or physiology and prerequisites to these subjects which will total at least 30 semester hours; plus additional education or experience in the fields of organic chemistry, biochemistry, physiology, pharmacology, or toxicology, which, when combined with the above 30 semester hours, will total 4 years of education and experience and give the applicant a technical and professional knowledge comparable to that which would have been acquired through completion of the 4-year college course.

(b) *Duties.* Pharmacologists plan, direct, or conduct investigational and research work in pharmacology, including studies in acute and chronic toxicity, therapeutic action, site and mode of action, storage, excretion, metabolism, and the biochemical, physiological, and anatomical effects of drugs or chemical agents either (1) in basic pharmacology or (2) in connection with substances suspected of being adulterants or toxicants in foods, drugs, and cosmetics or suspected of causing hazards in industrial use.

(c) *Knowledge and training requisite for the performance of duties.* The duties of a pharmacologist cannot be performed successfully without a sound knowledge of the basic principles and theories of chemistry and biology and specific scientific training in at least one of the following specialized areas: namely, organic chemistry, biochemistry, pharmacology, toxicology, or physiology. Appointees must have aptitude and training in the methods of original research, the ability to discover and interpret new relationships in pharmacology and related fields, and an intimate knowledge of the latest equipment and laboratory techniques used in the field of pharmacology. This knowledge and training can be gained only through a directed course of study in an accredited college or university with well-equipped laboratories and thoroughly trained instructors, where progress is competently evaluated. (Sec. 5, 58 Stat. 388; 5 U.S.C. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
*President.*

[F. R. Doc. 48-8732; Filed, Sept. 29, 1948; 8:52 a. m.]

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FEDERAL REGISTER

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# TITLE 7—AGRICULTURE

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

### PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR Supps., 900.1 et. seq.; 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to prevent disruption of orderly marketing. The changes made by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. The time intervening between the date of issuance of this order and its effective date affords persons affected a reasonable time to prepare for its effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Cleveland, Ohio, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area which was heretofore approved (13 F. R. 5279) by the Secretary of Agriculture; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the order, and who during February 1948 (determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

*Order Relative to Handling*

It is therefore ordered, that on and after the first day of October 1948, the handling of milk in the Cleveland, Ohio, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 975.3 (a) (2) (ii) and substitute therefor the following:

(ii) A plant which either was a pool plant on August 31, 1948, or has become a pool plant pursuant to subparagraph (3) of this paragraph.

2. Delete § 975.3 (a) (3) and substitute therefor the following:

(3) A plant having approval of the appropriate health authority in the marketing area to do so which has, within the delivery period of January, February, or March and within each of the five consecutive preceding delivery periods, furnished milk to a pool plant described in subparagraph (1) of this paragraph in an amount equal to 50 percent or more of its entire receipts of milk from dairy farmers during each such delivery period.

3. Delete § 975.3 (c) and substitute therefor the following:

(c) *Disqualification.* A plant shall be disqualified as a pool plant under either of the following circumstances:

(1) Upon prior written request for disqualification made by the plant operator; such disqualification to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in paragraph (a) (1) of this section; or

(2) If such plant furnished to a pool plant described in paragraph (a) (1) of this section less than 10 percent of its dairy farm supply of milk in any month except April, May, June, or July and less than 50 percent of such supply during more than one of the months of October, November, December, and January: *Provided,* That upon receipt by the market administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this subparagraph: *And provided further,* That this subparagraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

4. Delete § 975.5 (b) (1) (ii) and substitute therefor the following:

(ii) Transferred as any item included in subdivision (i) of this subparagraph from a pool plant to the plant of a producer-handler, or transferred as any such item, except cream, to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the Market Administrator;

5. Delete § 975.5 (g) (2) and substitute therefor the following:

(2) For the delivery periods of October, November, December, and January, subtract from the pounds of butterfat in Class I milk, the smaller of the following:

(i) The pounds, if any, by which the butterfat in milk received from producers and pool plants is less than 110 percent of the pounds of butterfat in such handler's milk, skim milk, buttermilk, flavored milk and flavored milk drink classified as Class I milk (exclusive of any reconstituted skim milk) pursuant to paragraph (b) (1) (i) of this section, not including such Class I milk transferred to pool plants or to nonpool plants; or

(ii) The pounds of butterfat in other source milk received.

6. Delete § 975.6 (b) (2) and substitute therefor the following:

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20: *Provided,* That in no event shall (i) the price of butterfat pursuant to this subparagraph for sweet or sour cream, or of any mixture of cream and milk (or skim milk), be less than the price computed pursuant to paragraph (c) (2) of this section, or (ii) the price of butterfat for the remaining items of Class I milk be less than the price of butterfat computed pursuant to paragraph (c) (2) of this section plus $3.00.

7. Delete § 975.6 (c) (3) and substitute therefor the following:

(3) The price of skim milk shall be that computed pursuant to the first proviso in paragraph (d) (2) of this section.

8. Delete subparagraphs (2) and (3) of § 975.6 (d) and substitute therefor the following:

(2) The price of skim milk (calculated to the nearest full cent) shall be the average carlot price per pound of nonfat dry milk solids for human consumption, roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, less 5.5 cents and then multiplied by 8.5: *Provided,* That the price of skim milk used to produce bulk condensed skim milk or whole milk (sweetened or unsweetened), cottage cheese, and powdered malted milk shall be such price, plus 25 cents: *And provided also,* That the price of skim milk used to produce evaporated or condensed milk (or skim milk) in hermetically sealed cans shall be the price resulting from the following computations:

(i) Multiply by 0.035 the price of butterfat computed pursuant to subparagraph (1) of this paragraph prior to the proviso therein;

(ii) Subtract such amount from the price computed for the next succeeding delivery period pursuant to paragraph (a) (1) of this section minus 8 cents;

(iii) Divide this result by 0.965, and round off to the nearest full cent.

9. At the end of § 975.7 (a) replace the period (.) with a colon (:) and add the following proviso: "*And provided also,* That such handler shall be credited at the difference between the applicable Class I prices for skim milk and butterfat and the highest of the Class III prices for skim milk and butterfat, respectively, with respect to any item specified in § 975.5 (b) (1) (i) disposed of during April, May, June or July to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations."

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 707; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued at Washington, D. C., this 28th day of September, 1948, to be effective on and after October 1, 1948.

[SEAL] CHARLES F. BRANNAN,
*Secretary of Agriculture.*

[F. R. Doc. 48-8755; Filed, Sept. 29, 1948; 9:00 a. m.]

# TITLE 8—ALIENS AND NATIONALITY

## Chapter II—Office of Alien Property, Department of Justice

PART 500—ORGANIZATION OF OFFICE OF ALIEN PROPERTY AND DELEGATIONS OF FINAL AUTHORITY

CENTRAL AND FIELD ORGANIZATION; DIRECTION

Part 500 is hereby amended by amendment of the first sentence of § 500.1 (a), as set out below:

§ 500.1 *Central and Field Organization*—(a) *Direction.* The President, pursuant to the Trading with the Enemy Act, as amended, has conferred upon the Attorney General the functions formerly vested in the Alien Property Custodian and the Office of Alien Property Custodian, and has transferred to the Attorney General jurisdiction over certain blocked assets. * * *

(40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 145 Supp.; E. O. 9788, Oct. 14, 1946, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891)

Executed at Washington, D. C., this 24th day of September 1948.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General, Director, Office of Alien Property.*

Approved:

PHILIP B. PERLMAN,
*Acting Attorney General.*

[F. R. Doc. 48-8743; Filed, Sept. 29, 1948; 8:55 a. m.]

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PART 500—ORGANIZATION OF OFFICE OF ALIEN PROPERTY AND DELEGATIONS OF FINAL AUTHORITY

PART 501—GENERAL RULES OF PROCEDURE

PART 503—SUBSTANTIVE RULES

MISCELLANEOUS AMENDMENTS

1. Part 500 is hereby amended by amendment of § 500.20 (c) and (d), by addition of a sentence to § 500.1 (d), and by addition of §§ 500.1 (b) (4) (xi), 500.1 (b) (10), 500.20 (e) and (f), and 500.26, all as set out below:

§ 500.1 *Central and Field Organization.* * * *

(b) *Organization.* The Office is composed of the following branches, sections and officers with functions as indicated:

* * * * * *

(4) *Operations Branch.* * * *

(xi) *Foreign Funds Section.* Administers controls with respect to property, over which jurisdiction has been transferred by Executive Order No. 9989, and with respect to transactions relating to such property. It is represented in the field by the Federal Reserve Bank of New York.

* * * * * *

(10) *Overseas Branch.* The Chief, Overseas Branch, has responsibility for the European operations of the Office.

* * * * *

(d) *Requests and inquiries.* * * * Requests and inquiries regarding controls with respect to property, over which jurisdiction has been transferred by Executive Order No. 9989, and with respect to transactions relating to such property, may be addressed to Foreign Funds Control Department, Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York.

* * * * *

§ 500.20 *Delegation to Office of Alien Property.* * * *

(c) Reference is made to Executive Order No. 8389 of April 10, 1940 (5 F. R. 1400), as amended by Executive Order No. 8785 of June 14, 1941 (6 F. R. 2897), Executive Order No. 8832 of July 26, 1941 (6 F. R. 3715), Executive Order No. 8963 of December 9, 1941 (6 F. R. 6348), and Executive Order No. 8998 of December 26, 1941 (6 F. R. 6785), blocking certain property.

(d) Jurisdiction with regard to certain blocked assets was transferred to the Attorney General by Executive Order No. 9989 of August 20, 1948 (13 F. R. 4891).

(e) Reference is made to 28 CFR, 51.81, as amended, *infra*, providing for the establishment of the Office of Alien Property in the Department of Justice. David L. Bazelon, Assistant Attorney General, has been designated as Director.

(f) Reference is made to Executive Order No. 9818 of January 7, 1947 (12 F. R. 133), establishing the Philippine Alien Property Administration and defining its functions.

* * * * *

§ 500.26 *Delegation to Chief, Foreign Funds Section, and others, concerning blocked assets.* The Chief, Foreign Funds Section, the Assistant Chief, Foreign Funds Section, and the Federal Reserve Bank of New York are severally authorized to take action with respect to specific licensing matters, by granting or denying applications for specific licenses, and by amending, modifying, renewing, or revoking existing specific licenses, with respect to property over which jurisdiction has been transferred by Executive Order No. 9989.

2. Part 501 is hereby amended by addition of §§ 501.1 and 501.2, both as set out below:

§ 501.1 *Licensing.* (a) Licenses with respect to transactions, transfers, or other dealings prohibited under Executive Order No. 8389, as amended, or under the regulations of the Office of Alien Property, are issued by the Director or any agency, instrumentality, agent, delegate, assistant or other personnel, appointed or designated by him.

(b) Transactions with respect to property over which jurisdiction has been transferred by Executive Order No. 9989, not authorized by general licenses or other public documents, may be effected only under specific licenses. Specific licensing activities are performed by the Foreign Funds Section of the Operations Branch and by the Federal Reserve Bank of New York. Applications for specific licenses may be filed on Treasury Department form TFE–1 or on such other forms as may from time to time be designated. Application forms may be obtained from the Federal Reserve Bank of New York or the Office of Alien Property, Washington, D. C. Applications for specific licenses shall be filed in duplicate with the Federal Reserve Bank of New York.

(c) Applications for licenses and authorizations, other than those pursuant to paragraph (b) of this section, are to be filed with the Office of Alien Property. No particular forms are prescribed therefor.

(d) In cases where the allowance of a claim under section 32 or section 34 of the Trading with the Enemy Act requires the granting of a license, the Notice of Claim shall be deemed to include an application for such license, and no separate application for such license need be filed.

§ 501.2 *Reporting.* All reports, forms, and other communications concerning property over which jurisdiction has been transferred by Executive Order No. 9989, which have been required to be made or filed with the Treasury Department, are on and after October 1, 1948, required to be made or filed with the Office of Alien Property. Reports, forms, and other communications that on or before September 30, 1948, have been required to be made or filed with the Federal Reserve Bank of New York, shall continue to be made or filed with that Bank.

3. Part 503 is hereby amended by deletion of § 503.5, and by addition of § 503.100, as set out below:

§ 503.100 *Prohibition of transactions; applicability of regulations and licenses, etc.* (a) The following transactions, transfers, or other dealings are prohibited, except to the extent that they are authorized by paragraph (b) of this section or are or shall be authorized by the Attorney General, or any agency, instrumentality, agent, delegate, assistant or other personnel, appointed or designated by him:

(1) Transactions, transfers, or other dealings in or relating to any property or interest that has been vested, or as to which an outstanding supervisory order has been issued, by the Attorney General or the Alien Property Custodian or the Office of Alien Property Custodian;

(2) Transactions, transfers, or other dealings by, or with, or on behalf of, or pursuant to the direction of, or the exercise of any right, powers, or privilege with respect to, any business enterprise regarding which the Attorney General or the Alien Property Custodian or the Office of Alien Property Custodian has issued an outstanding supervisory order, or which has been vested, or assets of or interests in which have been vested, or involving any property in which such business enterprise has any interest, where control of such property or business enterprise was released by the Secretary of the Treasury, subject to the power and authority conferred upon the Attorney General or the Alien Property Custodian or the Office of Alien Property Custodian, on or prior to September 30, 1948, or where jurisdiction over such property or business enterprise has been transferred by Executive Order No. 9989;

(3) Transactions, transfers, or other dealings, prohibited on September 30, 1948, under or pursuant to the Trading With the Enemy Act, as amended, or Executive Order No. 8389, as amended, or Executive Order No. 9095, as amended, regarding property, over which jurisdiction has been transferred by Executive Order No. 9989.

(b) All orders, regulations, rulings, instructions, or licenses of any nature whatsoever, issued by the Secretary of the Treasury under the authority of Executive Order No. 8389, as amended, and Executive Order No. 9095, as amended, concerning property over which jurisdiction has been transferred by Executive Order No. 9989, shall continue in full force and effect in accordance with their terms, subject to the authority of the Attorney General, or any agency, instrumentality, agent, delegate, assistant of other personnel, appointed or designated by him, to amend, modify or revoke, in whole or in part, such orders, regulations, rulings, instructions and licenses: *Provided*, That, wherever in such orders, regulations, rulings, instructions or licenses, or in regulations of the Office of Alien Property, the Treasury Department, Foreign Funds Control, the Secretary of the Treasury or other officers of the Department of the Treasury are referred to, the reference shall be deemed to be made to the Office of Alien Property and the appropriate officers thereof.

(c) Additional prohibitions provided for in General Order No. 11, § 503.11, as amended, General Order No. 13, § 503.13, as amended, and General Order No. 20, § 503.7, as amended, and licenses and other authorizations, issued thereunder, shall remain unaffected by this section. Section 503.5 (General Order No. 31, as amended), since it concerns merely the transfer of authority from the Treasury Department to the Office of Alien Property and its predecessor in specific cases, is no longer necessary and is hereby revoked as of September 30, 1948, midnight, without affecting the validity of its prohibitions and of licenses and other authorizations issued thereunder prior to that date.

(d) Powers of attorney given for the purpose of filing claims under the Trading With the Enemy Act, as amended, and transactions that may be necessary to facilitate the filing and proving of such claims are hereby exempted from the prohibitions of this section: *Provided, however,* That nothing herein shall affect the prohibitions of R. S. 3477; 31 U. S. C. 203.

(40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891)

Executed at Washington, D. C. this 24th day of September 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 48-8744; Filed, Sept. 29, 1948; 8:54 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration

[Amdt. 8]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas at such points; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (4) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600, as follows:

*Designation and Redesignation of Civil Airways: Amber Civil Airway No. 5; Red Civil Airways Nos. 14 and 17; Blue Civil Airways Nos. 3, 6, 30, 35 and 58*

1. Section 600.4 (b) (5) is amended to read:

(5) *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).* From the Grand Isle, La., nondirectional radio marker beacon via Latitude 29°14'00", Longitude 90°09'00"; New Orleans, La., radio range station; Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Memphis, Tenn., radio range station; Advance, Mo., radio range station; St. Louis, Mo., radio range station; the intersection of the north course of the St. Louis, Mo., radio range and the southwest course of the Springfield, Ill., radio range; Springfield, Ill., radio range station; Joliet, Ill., radio range station; the intersection of the northeast course of the Joliet, Ill., radio range and the south course of the Milwaukee, Wis., radio range to the Milwaukee, Wis., radio range station.

2. Section 600.4 (c) (14) is amended to read:

(14) *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* From the Lone Rock, Wis., radio range station via the Rockford, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Chicago, Ill., radio range station; Indianapolis, Ind., radio range station to the intersection of the south course of the Indianapolis, Ind., radio range and the west course of the Louisville, Ky., radio range.

3. Section 600.4 (c) (17) is amended to read:

(17) *Red civil airway No. 17 (Fort Wayne, Ind., to Baltimore, Md.).* From the Fort Wayne, Ind., radio range station via the Findlay, Ohio, non-directional radio marker station and the Mansfield, Ohio, non-directional radio marker station to the Pittsburgh, Pa., radio range station. From the Martinsburg, W. Va., radio range station to the Baltimore, Md., radio range station.

4. Section 600.4 (d) (3) is amended to read:

(3) *Blue civil airway No. 3 (Mobile, Ala., to Lafayette, Ind.).* From the intersection of the northeast course of the Mobile, Ala., radio range and the north course of the Pensacola, Fla., radio range via the Pensacola, Fla., radio range station to the intersection of the northeast course of the Pensacola, Fla., radio range and the west course of the Crestview, Fla., radio range, excluding that portion which lies more than two miles southeast of the northeast course of the Pensacola, Fla., radio range. From the intersection of the northwest course of the Tallahassee, radio range and the southeast course of the Dothan, Ala., radio range via the Dothan, Ala., radio range station; Gunter Field, Montgomery, Ala.; the intersection of the west course of the Maxwell Field, Ala., radio range and the south course of the Birmingham, Ala., radio range to the Birmingham, Ala., radio range station. From the Muscle Shoals, Ala., radio range station to the intersection of the northeast course of the Muscle Shoals, Ala., radio range and the southwest course of the Nashville, Tenn., radio range. From the Nashville, Tenn., radio range station via the intersection of the northwest course of the Nashville, Tenn., radio range and the south course of the Evansville, Ind., radio range; the Evansville, Ind., radio range station; Terre Haute, Ind., radio range station; the intersection of the north course of the Terre Haute, Ind., radio range and the southwest course of the Lafayette, Ind., radio range; Lafayette, Ind., radio range station to the intersection of the northeast course of the Lafayette, Ind., radio range and the north course of the Indianapolis, Ind., radio range.

5. Section 600.4 (d) (6) is amended to read:

(6) *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* From the Abilene, Tex., radio range station via the Wichita Falls, Tex., radio range station to the intersection of the northeast course of the Wichita Falls, Tex., radio range and the south course of the Oklahoma City, Okla., radio range. From the Springfield, Ill., radio range station via the Peoria, Ill., radio range station to the intersection of the north course of the Peoria, Ill., radio range and the northeast course of the Burlington, Iowa, radio range. From the intersection of the west course of the Goshen, Ind., radio range and the south course of the South Bend, Ind., radio range via the South Bend, Ind., radio range station to the intersection of the north course of the South Bend, Ind., radio range and the northeast course of the Chicago, Ill., radio range. From the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Muskegon, Mich., radio range station.

6. Section 600.4 (d) (30) is amended to read:

(30) *Blue civil airway No. 30 (Brownsville, Tex., to Amarillo, Tex.).* From the intersection of the southeast course of the Alice, Tex., radio range and the southwest course of the Corpus Christi, Tex., radio range via the Corpus Christi, Tex., radio range station, excluding that portion which lies more than 2 miles southeast of the southwest course of the Corpus Christi, Tex., radio range; San Antonio, Tex. (Kelly), radio range station; the intersection of the northwest course of the San Antonio, Tex. (Kelly), radio range and the southeast course of the Big Spring, Tex., radio range; Big Spring, Tex., radio range station; the intersection of the northwest course of the Big Spring, Tex., radio range and the south course of the Lubbock, Tex., radio range; Lubbock, Tex., radio range station; the intersection of the north course of the Lubbock, Tex., radio range and the south course of the Amarillo, Tex., radio range to the Amarillo, Tex., radio range station.

7. Section 600.4 (d) (35) is amended to read:

(35) *Blue civil airway No. 35 (Topeka, Kans., to Des Moines, Iowa).* From the intersection of the southwest course of the Topeka, Kans. (AFB), radio range and a point 20 miles southwest of the Topeka, Kans. (AFB), radio range station via the Topeka, Kans. (AFB), radio range station to the intersection of the northeast course of the Topeka, Kans. (AFB), radio range and the northwest course of the Kansas City, Mo., radio range. From the St. Joseph, Mo., radio range station to the intersection of the east course of the St. Joseph, Mo., radio range and the northeast course of the Kansas City, Mo., radio range. From the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to the intersection of the northwest course of the Kirksville, Mo., radio range and the south course of the Des Moines, Iowa, radio range.

8. Section 600.4 (d) (58) is added to read:

(58) *Blue civil airway No. 58 (Sioux Falls, S. Dak., to Watertown, S. Dak.).* From the Sioux Falls, S. Dak., radio range station to the Watertown, S. Dak., radio range station.

This amendment shall become effective 0001 e. s. t. September 30, 1948.

(Sec. 205, 301, 302, 307, and 308, 52 Stat. 984, 985, 986, 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong., 49 U. S. C. 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 48-8714; Filed, Sept. 29, 1948; 8:47 a. m.]

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[Amdt. 12]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas, including control zones and reporting points at such locations; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (4) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

*Designation and Redesignation of Control Areas: Green Civil Airway No. 8; Amber Civil Airways Nos. 1 and 5; Red Civil Airways Nos. 6 and 27; Blue Civil Airways Nos. 25, 45 and 58. Designation and Redesignation of Control Zones. Designation and Redesignation of Reporting Points: Green Civil Airways Nos. 3, 7 and 8; Amber Civil Airways Nos. 5 and 6; Red Civil Airway No. 27; Blue Civil Airways Nos. 26 and 58*

1. Section 601.4 (a) (8) is amended to read:

(8) *Green civil airway No. 8 control areas (Attu, Alaska, to Northway, Alaska).* From a line extended at right angles across such airway through a point 25 miles southwest of Port Heiden, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles northeast of Anchorage, Alaska, radio range station. From a line extended at right angles across such airway through a point 50 miles southwest of the Northway, Alaska, radio range station to the Northway, Alaska, radio range station.

2. Section 601.4 (b) (1) is amended to read:

(1) *Amber civil airway No. 1 control areas (United States-Mexican Border to Nome, Alaska).* Those portions of Amber civil airway No. 1 within the limits of the continental United States, and from a line extended at right angles across such airway through a point 50 miles southeast of the Cordova, Alaska, radio range station to a line extended at right angles across such airway through a point 25 miles northwest of the Skwentna, Alaska, radio range station.

3. Section 601.4 (b) (5) is amended to read:

(5) *Amber civil airway No. 5 control areas (Grand Isle, La., to Milwaukee, Wis.).* All of Amber civil airway No. 5.

4. Section 601.4 (c) (6) is amended to read:

(6) *Red civil airway No. 6 control areas (Las Vegas, Nev., to Omaha, Nebr.).* All of Red civil airway No. 6.

5. Section 601.4 (c) (27) is amended to read:

(27) *Red civil airway No. 27 control areas (Knoxville, Tenn., to Detroit, Mich.).* All of Red civil airway No. 27 from the Knoxville, Tenn., radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the Knoxville, Tenn., radio range station and from a line extended at right angles across such airway through a point 25 miles southeast of the Lexington, Ky., VHF radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Romulus, Mich., radio range.

6. Section 601.4 (d) (25) is amended to read:

(25) *Blue civil airway No. 25 control areas (Cordova, Alaska, to Big Delta, Alaska).* From the Cordova, Alaska, radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the Cordova, Alaska, radio range station, and from a line extended at right angles across such airway through a point 50 miles south of the Big Delta, Alaska, radio range station to the Big Delta, Alaska, radio range station.

7. Section 601.4 (d) (45) is amended to read:

(45) *Blue civil airway No. 45 control areas (Lake Charles, La., to Baton Rouge, La.).* All of Blue civil airway No. 45.

8. Section 601.4 (d) (58) is added to read:

(58) *Blue civil airway No. 58 control areas (Sioux Falls, S. Dak., to Watertown, S. Dak.).* All of Blue civil airway No. 58.

9. Section 601.4 (e) (39) is amended to read:

(39) *Control area extension (Portland, Oreg.).* From the Portland, Oreg., ILS localizer extending 5 miles either side of the northwest course of the localizer course to a point 20 miles northwest of the ILS localizer.

10. Section 601.4 (e) (42) is amended to read:

(42) *Control area extension (Cincinnati, Ohio).* From the Cincinnati, Ohio, radio range station extending 5 miles either side of the northeast course of the Cincinnati, Ohio, radio range to the 84th Meridian of west longitude.

11. Section 601.4 (e) (106) *Control area extension (Springfield, Ill.)* is revoked.

12. Section 601.4 (e) (106) is added to read:

(106) *Control area extension (Whidbey Island, Wash.).* From the intersection of the northwest course of the Everett, Wash., radio range and the southeast course of the Whidbey Island, Wash., radio range extending 5 miles either side of the southeast and northwest courses of the Whidbey Island radio range to a point 20 miles northwest of the radio range station, and extending 5 miles either side of the southwest course of the Whidbey Island radio range to the intersection of the southwest course of the Whidbey Island radio range and the southeast course of the Patricia Bay, B. C., radio range, excluding those portions which lie over danger areas.

13. Section 601.4 (e) (133) is added to read:

(133) *Control area extension (Idlewild, N. Y.).* From the eastern edge of Green civil airway No. 5 at latitude 40°33'45" longitude 73°32'20", thence southeast to latitude 40°32'10" longitude 73°26'50", thence southwest to latitude 40°17'00" longitude 73°38'55", thence northwest to latitude 40°19'45" longitude 73°43'30" (point of intersection with eastern edge of Green civil airway No. 5), thence northeast following the eastern boundary of Green civil airway No. 5 to point of beginning.

14. Section 601.4 (e) (134) is added to read:

(134) *Control area extension (Miami, Fla.).* From the Miami International Airport ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles northwest of the ILS localizer.

15. Section 601.4 (e) (135) is added to read:

(135) *Control area extension (Atlanta, Ga.).* All that area 5 miles north and parallel to the east and west courses of the Atlanta, Ga. (NAS), radio range extending from Amber civil airway No. 6 to Green civil airway No. 6 including the area south of the east and west courses of the Atlanta (NAS) radio range between Amber civil airway No. 6 and Green civil airway No. 6, and extending 5 miles either side of the north course of the Atlanta, Ga. (NAS), radio range to a point 20 miles north of the radio range station.

16. Section 601.8 (b) is amended by adding the following airport:

Atlanta, Ga.: Naval Air Station.

17. Section 601.8 (c) (86) is amended to read:

(86) *Chicago, Ill., control zone.* Within a 6 mile radius of the Chicago Municipal Airport extending 2 miles either side of the northwest course of the Chicago radio range to the intersection of the northwest course of the Chicago radio range and the northeast course of the Joliet, Ill., radio range, and within 2 miles either side of the southeast course of the Chicago radio range extending to the intersection of the southeast course of the Chicago radio range and the east course of the Harvey, Ill., radio range, excluding that portion that overlaps the Orchard Airport control zone.

18. Section 601.8 (c) (124) Springfield, Ill., control zone is revoked.

19. Section 601.8 (c) (124) is added to read:

(124) *Roswell, N. Mex., control zone.* Within a 30 mile radius of the Walker Air Force Base, Roswell, N. Mex.

20. Section 601.8 (c) (156) is amended to read:

(156) *Miami, Fla., control zone.* Within a 5 mile radius of the Miami International Airport and within 2 miles either side of the east and west courses of the Miami radio range extending west to the Krome Fan Marker.

21. Section 601.8 (c) (237) is added to read:

(237) *New York, N. Y., control zone.* Within a 5 mile radius of the Floyd Bennett Naval Air Station extending 2 miles either side of the southeast course of the Floyd Bennett NAS radio range to the intersection of the southeast course of the Floyd Bennett radio range and the southwest course of the Mitchel Field radio range, excluding that portion which lies northeast of a straight line connecting the points of convergence with the New York International (Idlewild) control zone.

22. Section 601.8 (c) (238) is added to read:

(238) *New York, N. Y., control zone.* Within a 5 mile radius of the New York International Airport (Idlewild), excluding that portion which lies southwest of a straight line connecting the points of convergence with the Floyd Bennett control zone.

23. Section 601.8 (c) (239) is added to read:

(239) *Cordova, Alaska, control zone.* Within a 5 mile radius of the Cordova, Alaska (Mile 13) Airport extending 2 miles either side of the southeast course of the Cordova, Alaska (localizer) radio range to Amber civil airway No. 1 and extending 2 miles either side of the southwest course of the Cordova, Alaska (localizer) radio range to Amber civil airway No. 1.

24. Section 601.9 (a) (3) is amended to read:

(3) *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Bay Point, Calif., fan type radio marker station or the intersection of the northeast course of the Oakland, Calif., radio range and the south course of the Williams, Calif., radio range; Sacramento, Calif., radio range station; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Elko, Nev., radio range station; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo, radio range station; Cheyenne, Wyo., radio range station; the intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range; the intersection of the southeast course of the Scottsbluff, Nebr., radio range and the west course of the North Platte, Nebr., radio range; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; the intersection of the southeast course of the Romulus, Mich., radio range and the west course of the Cleveland, Ohio, radio range; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; Philipsburg, Pa., radio range station; the intersection of the east course of the Philipsburg, Pa., radio range and the south course of the Williamsport, Pa., radio range; Allentown, Pa., radio range station; the intersection of the southwest course of the New York, N. Y. (LaGuardia), radio range and the northwest course of the Floyd Bennett, N. Y. (Navy), radio range; New York, N. Y. (LaGuardia), radio range station.

25. Section 601.9 (a) (7) is amended to read:

(7) *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* Nome, Alaska, radio range station; Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range; Galena, Alaska, radio range station; intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range; intersection of the west course of the Fairbanks, Alaska, radio range and the southeast course of the Tanana, Alaska, radio range; intersection of the west course of the Fairbanks, Alaska, radio range and the northwest course of the Nenana, Alaska, radio range; Fairbanks, Alaska, radio range station.

26. Section 601.9 (a) (8) is amended to read:

(8) *Green civil airway No. 8 (Attu, Alaska, to Northway, Alaska).* Attu, Alaska, radio range station; Shemya, Alaska, radio range station; Adak, Alaska, radio range station; the intersection of the west course of the Atka, Alaska, radio range and the northeast course of the Adak, Alaska, radio range; Atka, Alaska, radio range station; Umnak (North Shore), Alaska, radio range station; the intersection of the northeast course of the Umnak (North Shore), Alaska, radio range and the west course of the Cold Bay (Randall), Alaska, radio range; Cold Bay (Randall), Alaska, radio range station; Heiden, Alaska, radio range station; Naknek, Alaska, radio range station; the intersection of the northeast course of the Naknek, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range; the intersection of the southeast course of the Iliamna, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the west course of Homer, Alaska, and the southwest course of the Kenai, Alaska, radio range; Homer, Alaska, radio range station; the intersection of the east course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Gulkana, Alaska, radio range station; Northway, Alaska, radio range station.

27. Section 601.9 (b) (5) caption is amended to read:

(5) *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).*

28. Section 601.9 (b) (6) is amended to read:

(6) *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* Jacksonville, Fla., radio range station; Alma, Ga., radio range station; Macon, Ga., radio range station; Chattanooga, Tenn., radio range station; Bowling Green, Ky., radio range station; Louisville, Ky., radio range station.

29. Section 601.9 (c) (27) is amended to read:

(27) *Red civil airway No. 27 (Knoxville, Tenn., to Detroit, Mich.).* Dayton, Ohio, radio range station.

30. Section 601.9 (d) (26) is amended to read:

(26) *Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).* The intersection of the north course of the Anchorage, Alaska (Merrill) localizer radio range and the southeast course of the Skwentna, Alaska, radio range; Talkeetna, Alaska, non-directional radio marker station; Summit, Alaska, radio range station; the intersection of the northeast course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range.

31. Section 601.9 (d) (58) is added to read:

(58) *Blue civil airway No. 58 (Sioux Falls, S. Dak., to Watertown, S. Dak.).* No reporting point designation.

This amendment shall become effective 0001 e. s. t., September 30, 1948.

(Sec. 205, 301, 302, 307, and 308, 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong., 49 U. S. C. 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 48-8715; Filed, Sept. 29, 1948; 8:47 a. m.]

# TITLE 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

STABILIZATION OF MARKET PRICES BY PERSONS OFFERING SECURITIES TO PUBLIC

§ 241.4163 *Statement of the Commission in connection with notice of opportunity to submit proposals for regulations or legislation regarding the stabilization of market prices by persons offering securities to the public.* Stabilization is that process whereby the market price of a security is pegged or fixed for the limited purpose of preventing or retarding a decline in contemplation of or during a public offering of securities. Section 9 of the Securities Exchange Act of 1934 deals generally with various manipulative practices. Section 9 (a) (2) makes it unlawful in general terms for any person, by use of the mails or any instrumentality of interstate commerce or any facility of a national securities exchange,

To effect, alone or with one or more other persons, a series of transactions in any security registered on a national securities exchange creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

This general anti-manipulative provision, however, is limited by section 9 (a) (6), which outlaws stabilization only if effected in contravention of Commission rules. Section 9 (a) (6) makes it unlawful

To effect either alone or with one or more other persons any series of transactions for the purchase and/or sale of any security registered on a national securities exchange for the purpose of pegging, fixing, or stabilizing the price of such security in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

The Commission has in effect certain disclosure rules concerning stabilization. These rules were adopted under provisions other than section 9 (a) (6). One rule requires the filing of reports by persons effecting stabilizing transactions.[1] Another rule requires that in the case of an issue of securities registered under the Securities Act of 1933 a statement of intention to stabilize appear prominently on the first or second page of the prospectus whenever the issuer or any of the underwriters knows or has reasonable ground to believe that it is intended to stabilize.[2] However, the only substantive regulation of stabilizing thus far adopted, and the only regulation under section 9 (a) (6), is § 241.9-a6-1 (Regulation X-9A6-1), which is limited to offerings made "at the market" instead of at a fixed price. In connection with the adoption of this regulation the Commission issued a statement, together with a separate statement by the late Commissioner Healy, discussing both the technical problems involved in the regulation of stabilizing and the fundamental questions of policy.[3] While the Commission agreed unanimously that stabilizing was manipulation, the majority considered the alternatives of prohibition, inaction and regulation, and concluded in favor of attacking the problem step-by-step through the Commission's rule-making authority. Commissioner Healy in his dissenting opinion observed that the differences between "manipulation" and "stabilization" were often difficult of perception, and he disagreed with the view that section 9 (a) (6) left the Commission with no authority to outlaw stabilization.

In the absence of any applicable rule except with respect to "market offerings" (which in recent years have been very rare) the question whether a particular course of conduct is unlawful manipulation or lawful stabilization rests at present on interpretation of section 9 (a) (2), which must of course be construed in the light of section 9 (a) (6). Sections 9 (a) (2) and 9 (a) (6) are by their terms limited to securities registered on a national securities exchange. However, the Commission has repeatedly held[4] that conduct which violates section 9 (a) (2) when it concerns a registered security violates the general anti-fraud provisions[5] when it concerns a security not registered on an exchange. Consequently, the line between fraud or manipulation and lawful stabilization with respect to unregistered securities rests similarly at present on interpretation of these general anti-fraud provisions, which like section 9 (a) (2) must be construed in the light of the fact that the Congress when it dealt specifically with stabilization determined not to outlaw the practice by statute.

There are no judicial precedents defining the difference between stabilization and other forms of manipulation. The Commission's administrative interpretation was publicly expressed on July 15, 1948, in connection with the present investigation. In ruling on a motion presented by one of the witnesses the presiding officer made the following statement on the Commission's behalf:

It has for many years been the Commission's position, expressed both orally and by letter to any member of the public making proper inquiry, that stabilization for the sole purpose of preventing or retarding a decline, whether the stabilizaton is effected by an underwriter or by an issuer, does not of itself violate section 9 (a) (2) or any other section of the Securities Exchange Act of 1934 so long as the stabilizing purchases are effected at whichever is the lower of two figures—(1) a bona fide independent market price for the security being stabilized or (2) the public offering price of the issue once the offering is made—and that within these restrictons there is no limit under existing statute and rules on the amount of securities which may be purchased in the stabilizing process.

The record of the present investigation (In the matter of offering of common stock of Kaiser-Frazer Corporation) indicates that Kaiser-Frazer Corporation on February 3, 1948, undertook for its own account to stabilize the market for its common stock on the New York Curb Exchange and other exchanges in advance of the proposed public offering of the stock, and during the course of the stabilization that day purchased a total of 186,200 shares. The total offering was 1,500,000 shares, 900,000 "firm" and 600,000 on a "best efforts" basis, and the registration statement under the Securities Act of 1933 became effective as of 5:30 p. m. on February 3.

In the Commission's experience it is not unusual for a utility company soliciting competitive bids in connection with a proposed offering of securities to reserve the right to stabilize for a short period preceding the opening of the bids, but it has not been customary for the issuer to stabilize in connection with negotiated underwritings. So far as the amount of stock purchased by way of stabilization is concerned, the Commission has imposed no restrictions. Frequently however the agreement among underwriters reserves to the managers the right to repurchase a fixed percentage of the amount of securities being offered, the amount not infrequently running as high as 15 percent. (Securities Exchange Act Release No. 4163, dated September 16, 1948.)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

SEPTEMBER 24, 1948.

[F. R. Doc. 48-8721; Filed, Sept. 29, 1948; 8:48 a. m.]

[1] Section 241.17a-2 (Rule X-17A-2), adopted under section 17 (a) of the Securities Exchange Act of 1934.

[2] Rule 426, adopted under the Securities Act of 1933.

[3] Securities Exchange Act Release No. 2446, 11 F. R. 10971, § 241.2446 (1940).

[4] See, for example, Barrett & Co., 9 Sec. 319 (1941).

[5] Section 17 (a) of the Securities Act of 1933 and sections 10 (b) and 15 (c) (1) of the Securities Exchange Act of 1934. In addition to the general rules under sections 10 (b) and 15 (c) (1)—§§ 241.10b-5 and 241.15c1-2 (Rules X-10B-5 and X-15C1-2 respectively)—there is a more specific rule under the latter section, § 241.15C1-8 (Rule X-15C1-8), which in effect prohibits any broker or dealer participating or otherwise financially interested in the distribution of an over-the-counter security from representing to a customer that the security is being offered "at the market" or at price related to the market price, unless the broker or dealer knows or has reasonable grounds to believe that a market for the security exists other than that made, created or controlled by him or any person for whom he is acting or with whom he is in a control relationship.

# TITLE 28—JUDICIAL ADMINISTRATION

## Chapter I—Department of Justice

PART 6—TRAFFIC IN CONTRABAND ARTICLES IN FEDERAL PENAL AND CORRECTIONAL INSTITUTIONS

SEPTEMBER 24, 1948.

The following part is hereby added to Chapter I, Title 28, Code of Federal Regulations:

§ 6.1 *Consent of warden or superintendent required.* The introduction or attempt to introduce into or upon the grounds of any Federal penal or correctional institution or the taking or attempt to take or send therefrom anything whatsoever without the knowledge and consent of the warden or superintendent of such Federal penal or correctional institution is prohibited. (Sec. 1, Pub. Law 772, 80th Cong.; 18 U. S. C. 1791)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Section 1791 of Title 18 of the United States Code, which became effective on September 1, 1948, provides that whoever, contrary to any rule or regulation promulgated by the Attorney General, introduces or attempts to introduce into, or to take or send from, any Federal penal or correctional institution anything whatsoever, shall be imprisoned not more than ten years. Compliance with the provisions of section 4 of the Administrative Procedure Act with respect to notice and delayed effective date is contrary to the public interest in this instance, since the provisions of the said section 1791 cannot become operative until implemented by regulation of the Attorney General and in the meantime there exists no legal deterrent to the trafficking in contraband articles within Federal penal and correctional institutions.

[SEAL] PHILIP B. PERLMAN,
*Acting Attorney General.*

[F. R. Doc. 48-8730; Filed, Sept. 29, 1948; 8:50 a. m.]

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PART 51—ORGANIZATION AND FUNCTIONS

ESTABLISHMENT OF OFFICE OF ALIEN PROPERTY

SEPTEMBER 24, 1948.

Effective October 1, 1948, § 51.81, Chapter I, Title 28, Code of Federal Regulations, is amended to read as follows:

§ 51.81 *Establishment of the Office of Alien Property.* In order to effectuate the provisions of Executive Order No. 9788 of October 14, 1946 (11 F. R. 11981), terminating the Office of Alien Property Custodian and transferring its functions to the Attorney General, and of Executive Order No. 9989 of August 20, 1948 (13 F. R. 4891), transferring jurisdiction over certain blocked assets to the Attorney General, *It is hereby ordered as follows:*

(a) There is created in the Department of Justice the Office of Alien Property. All the authority, rights, privileges, powers, duties, and functions vested in or transferred or delegated to the Attorney General by the said Executive orders are hereby placed in the Office of Alien Property.

(b) The Director of the Office of Alien Property shall supervise and direct all the activities of the Office of Alien Property. (R. S. 161, 5 U. S. C. 22; E. O. 9788, Oct. 14, 1946, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891)

[SEAL] PHILIP B. PERLMAN,
*Acting Attorney General.*

[F. R. Doc. 48-8729; Filed, Sept. 29, 1948; 8:51 a. m.]

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# TITLE 31—MONEY AND FINANCE: TREASURY

## Chapter I—Monetary Offices, Department of the Treasury

PART 130—TRANSACTIONS IN FOREIGN EXCHANGE AND FOREIGN-OWNED PROPERTY, THE REPORTING OF ALL FOREIGN-OWNED PROPERTY AND RELATED MATTERS

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PART 142—GENERAL LICENSES ISSUED BY THE UNITED STATES TREASURY REPRESENTATIVE IN THE PHILIPPINE OFFICE, FOREIGN FUNDS CONTROL, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

TRANSFER OF JURISDICTION

CROSS REFERENCE: For order reflecting the transfer by Executive Order 9989 of jurisdiction over certain blocked assets formerly vested in the Treasury Department of officers of the Treasury Department to the Office of Alien Property, see amendments of Parts 500, 501 and 503 of Title 8, *supra.*

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PART 138—ORGANIZATION OF FOREIGN FUNDS CONTROL

REVOCATION OF PART

SEPTEMBER 30, 1948.

Part 138 is hereby revoked, effective midnight September 30, 1948.

(R. S. 161, sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; sec. 3 (a) (1) Pub. Law 404, 79th Cong.; 60 Stat. 238; 5 U. S. C. 22, 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184)

[SEAL] JOHN W. SNYDER,
*Secretary of the Treasury.*

[F. R. Doc. 48-8759; Filed, Sept. 29, 1948; 9:42 a. m.]

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PART 139—PROCEDURES OF FOREIGN FUNDS CONTROL

REVOCATION OF PART

SEPTEMBER 30, 1948.

Part 139 is hereby revoked, effective midnight September 30, 1948.

(R. S. 161, Sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839, sec. 3 (a) (2) Pub. Law 404, 79th Cong.; 60 Stat. 238; 5 U. S. C. 22, 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup. 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184)

[SEAL] JOHN W. SNYDER,
*Secretary of the Treasury.*

[F. R. Doc. 48-8761; Filed, Sept. 29, 1948; 9:42 a. m.]

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PART 141—REGULATIONS RELATING TO PROPERTY VESTED IN THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 5 (b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED

REVOCATION OF PART

SEPTEMBER 30, 1948.

Part 141 is hereby revoked, effective midnight September 30, 1948.

(Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR Cum. Supp., 10 F. R. 6917)

[SEAL] JOHN W. SNYDER,
*Secretary of the Treasury.*

[F. R. Doc. 48-8760; Filed, Sept. 29, 1948; 9:42 a. m.]

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# TITLE 39—POSTAL SERVICE

## Chapter I—Post Office Department

PART 5—CLASSIFICATION AND RATES OF POSTAGE

AIR PARCEL POST SERVICE—DOMESTIC

Part 5, Title 39, Code of Federal Regulations, is amended as follows:

1. Amend § 5.12 (a) (1), as amended (39 CFR, 1946 Supp.) to read as follows:

§ 5.12 *Mail carried by airplane.* (a) (1) The rate of postage on domestic air mail weighing eight ounces or less shall be 5 cents for each ounce or fraction thereof: *Provided,* That the rate of postage on air mail of the first class weighing in excess of eight ounces shall be the rate provided for air parcels but in no

case shall be less than 3 cents an ounce or fraction thereof.

(Sec. 3, Pub. Law 819, 80th Cong.)

2. Amend § 5.12 (a) (3) to read as follows:

(3) The act of October 14, 1940, referred to in section 2 of the act of August 14, 1946, and in subparagraph (2) of this paragraph relates to mail carried by aircraft to, from, or within Alaska and authorizes the Postmaster General to fix the postage rate thereon. Accordingly the rate of 5 cents for each ounce or fraction thereof on air mail weighing eight ounces or less, and the zone rate for air mail exceeding eight ounces in weight (see § 5.12a), shall be applicable to all classes of mail carried to, from, or within that territory which the sender designates for transportation by air, except that postage at the eighth zone rate of 80 cents for the first pound or fraction thereof in excess of eight ounces and 80 cents for each additional pound or fraction thereof shall be chargeable on parcels transported by air between points within Alaska and points outside of that Territory to which the domestic rates and conditions are applicable (see § 5.74). Mail of any class on which postage at the regular rates only is prepaid and which is not designated by the sender for transmission by air when carried to, from, or within Alaska shall continue to be handled as heretofore, that is, transported by surface means except where otherwise specifically directed.

3. Amend § 5.12 (b) (2) to read as follows:

(2) Any mailable matter, except that liable to damage from freezing, may be sent by air mail at the applicable rates of postage including sealed parcels not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined. This includes harmless live animals, queen bees and cut flowers. Day-old chicks, day-old ducks, etc., and honey bees are prohibited.

4. Add new § 5.12a to read as follows:

§ 5.12a *Air parcel post service.* (a) In connection with Public Law 819, 80th Congress, approved June 29, 1948, establishing an Air Parcel Post Service, effective September 1, 1948, the following information is given for the guidance of postmasters and all others concerned.

(b) The zone rates prescribed for parcels carried by air (including other transportation to and from air-mail routes) shall apply to mailable matter of any class weighing over 8 ounces but not more than 70 pounds nor exceeding 100 inches in length and girth combined, including written and other matter of the first class, whether sealed or unsealed, except that in the case of mail of the first class the rate shall not be less than 3 cents an ounce or fraction thereof.

(c) The rate of 5 cents an ounce or fraction of an ounce will continue to apply (until otherwise instructed) to all domestic air mail weighing up to and including 8 ounces, regardless of distance or zone; the zone rates prescribed by Public Law 819, and referred to herein, will apply to such mail weighing over 8 ounces, fractions of a pound being charged as a full pound (provided that on air mail of the first class the rate shall not be less than 3 cents an ounce or fraction thereof).

(d) The air-zone rates provided by this law shall be based on the eight postal zones applicable to fourth-class (parcel post) mail, such zones being described in § 5.70 (b).

(e) The zone rates for parcels carried by air are shown in the following tables:

AIR PARCEL-POST ZONE RATES

| Zone | First pound over 8 ounces | Additional pounds |
|---|---|---|
| | *Cents* | *Cents* |
| 1 and 2 | [illegible] | 4 |
| 3 | 60 | 8 |
| 4 | 65 | 14 |
| 5 | 70 | 24 |
| 6 | 75 | 33 |
| 7 | 77 | 45 |
| 8 | 80 | 65 |

| Weight | Zones 1 and 2 | Zone 3 | Zone 4 | Zone 5 | Zone 6 | Zone 7 | Zone 8 |
|---|---|---|---|---|---|---|---|
| Over 8 ounces to— | | | | | | | |
| 1 pound | $0.55 | $0.60 | $0.65 | $0.70 | $0.75 | $0.75 | $0.80 |
| 2 pounds | .59 | .68 | .79 | .94 | 1.08 | 1.20 | 1.45 |
| 3 pounds | .63 | .76 | .93 | 1.18 | 1.41 | 1.65 | 2.10 |
| 4 pounds | .67 | .84 | 1.07 | 1.42 | 1.74 | 2.10 | 2.75 |
| 5 pounds | .71 | .92 | 1.21 | 1.66 | 2.07 | 2.55 | 3.40 |
| 6 pounds | .75 | 1.00 | 1.35 | 1.90 | 2.40 | 3.00 | 4.05 |
| 7 pounds | .79 | 1.08 | 1.49 | 2.14 | 2.73 | 3.45 | 4.70 |
| 8 pounds | .83 | 1.16 | 1.63 | 2.38 | 3.06 | 3.90 | 5.35 |
| 9 pounds | .87 | 1.24 | 1.77 | 2.62 | 3.39 | 4.35 | 6.00 |
| 10 pounds | .91 | 1.32 | 1.91 | 2.86 | 3.72 | 4.80 | 6.65 |
| 11 pounds | .95 | 1.40 | 2.05 | 3.10 | 4.05 | 5.25 | 7.30 |
| 12 pounds | .99 | 1.48 | 2.19 | 3.34 | 4.38 | 5.70 | 7.95 |
| 13 pounds | 1.03 | 1.56 | 2.33 | 3.58 | 4.71 | 6.15 | 8.60 |
| 14 pounds | 1.07 | 1.64 | 2.47 | 3.82 | 5.04 | 6.60 | 9.25 |
| 15 pounds | 1.11 | 1.72 | 2.61 | 4.06 | 5.37 | 7.05 | 9.90 |
| 16 pounds | 1.15 | 1.80 | 2.75 | 4.30 | 5.70 | 7.50 | 10.55 |
| 17 pounds | 1.19 | 1.88 | 2.89 | 4.54 | 6.03 | 7.95 | 11.20 |
| 18 pounds | 1.23 | 1.96 | 3.03 | 4.78 | 6.36 | 8.40 | 11.85 |
| 19 pounds | 1.27 | 2.04 | 3.17 | 5.02 | 6.69 | 8.85 | 12.50 |
| 20 pounds | 1.31 | 2.12 | 3.31 | 5.26 | 7.02 | 9.30 | 13.15 |
| 21 pounds | 1.35 | 2.20 | 3.45 | 5.50 | 7.35 | 9.75 | 13.80 |
| 22 pounds | 1.39 | 2.28 | 3.59 | 5.74 | 7.68 | 10.20 | 14.45 |
| 23 pounds | 1.43 | 2.36 | 3.73 | 5.98 | 8.01 | 10.65 | 15.10 |
| 24 pounds | 1.47 | 2.44 | 3.87 | 6.22 | 8.34 | 11.10 | 15.75 |
| 25 pounds | 1.51 | 2.52 | 4.01 | 6.46 | 8.67 | 11.55 | 16.40 |
| 26 pounds | 1.55 | 2.60 | 4.15 | 6.70 | 9.00 | 12.00 | 17.05 |
| 27 pounds | 1.59 | 2.68 | 4.29 | 6.94 | 9.33 | 12.45 | 17.70 |
| 28 pounds | 1.63 | 2.76 | 4.43 | 7.18 | 9.66 | 12.90 | 18.35 |
| 29 pounds | 1.67 | 2.84 | 4.57 | 7.42 | 9.99 | 13.35 | 19.00 |
| 30 pounds | 1.71 | 2.92 | 4.71 | 7.66 | 10.32 | 13.80 | 19.65 |
| 31 pounds | 1.75 | 3.00 | 4.85 | 7.90 | 10.65 | 14.25 | 20.30 |
| 32 pounds | 1.79 | 3.08 | 4.99 | 8.14 | 10.98 | 14.70 | 20.95 |
| 33 pounds | 1.83 | 3.16 | 5.13 | 8.38 | 11.31 | 15.15 | 21.60 |
| 34 pounds | 1.87 | 3.24 | 5.27 | 8.62 | 11.64 | 15.60 | 22.25 |
| 35 pounds | 1.91 | 3.32 | 5.41 | 8.86 | 11.97 | 16.05 | 22.90 |

| Weight | Zones 1 and 2 | Zone 3 | Zone 4 | Zone 5 | Zone 6 | Zone 7 | Zone 8 |
|---|---|---|---|---|---|---|---|
| Over 8 ounces to— | | | | | | | |
| 36 pounds | $1.95 | $3.40 | $5.55 | $9.10 | $12.30 | $16.50 | $23.55 |
| 37 pounds | 1.99 | 3.48 | 5.69 | 9.34 | 12.63 | 16.95 | 24.20 |
| 38 pounds | 2.03 | 3.56 | 5.83 | 9.58 | 12.96 | 17.40 | 24.85 |
| 39 pounds | 2.07 | 3.64 | 5.97 | 9.82 | 13.29 | 17.85 | 25.50 |
| 40 pounds | 2.11 | 3.72 | 6.11 | 10.06 | 13.62 | 18.30 | 26.15 |
| 41 pounds | 2.15 | 3.80 | 6.25 | 10.30 | 13.95 | 18.75 | 26.80 |
| 42 pounds | 2.19 | 3.88 | 6.39 | 10.54 | 14.28 | 19.20 | 27.45 |
| 43 pounds | 2.23 | 3.96 | 6.53 | 10.78 | 14.61 | 19.65 | 28.10 |
| 44 pounds | 2.27 | 4.04 | 6.67 | 11.02 | 14.94 | 20.10 | 28.75 |
| 45 pounds | 2.31 | 4.12 | 6.81 | 11.26 | 15.27 | 20.55 | 29.40 |
| 46 pounds | 2.35 | 4.20 | 6.95 | 11.50 | 15.60 | 21.00 | 30.05 |
| 47 pounds | 2.39 | 4.28 | 7.09 | 11.74 | 15.93 | 21.45 | 30.70 |
| 48 pounds | 2.43 | 4.36 | 7.23 | 11.98 | 16.26 | 21.90 | 31.35 |
| 49 pounds | 2.47 | 4.44 | 7.37 | 12.22 | 16.59 | 22.35 | 32.00 |
| 50 pounds | 2.51 | 4.52 | 7.51 | 12.46 | 16.92 | 22.80 | 32.65 |
| 51 pounds | 2.55 | 4.60 | 7.65 | 12.70 | 17.25 | 23.25 | 33.30 |
| 52 pounds | 2.59 | 4.68 | 7.79 | 12.94 | 17.58 | 23.70 | 33.95 |
| 53 pounds | 2.63 | 4.76 | 7.93 | 13.18 | 17.91 | 24.15 | 34.60 |
| 54 pounds | 2.67 | 4.84 | 8.07 | 13.42 | 18.24 | 24.60 | 35.25 |
| 55 pounds | 2.71 | 4.92 | 8.21 | 13.66 | 18.57 | 25.05 | 35.90 |
| 56 pounds | 2.75 | 5.00 | 8.35 | 13.90 | 18.90 | 25.50 | 36.55 |
| 57 pounds | 2.79 | 5.08 | 8.49 | 14.14 | 19.23 | 25.95 | 37.20 |
| 58 pounds | 2.83 | 5.16 | 8.63 | 14.38 | 19.56 | 26.40 | 37.85 |
| 59 pounds | 2.87 | 5.24 | 8.77 | 14.62 | 19.89 | 26.85 | 38.50 |
| 60 pounds | 2.91 | 5.32 | 8.91 | 14.86 | 20.22 | 27.30 | 39.15 |
| 61 pounds | 2.95 | 5.40 | 9.05 | 15.10 | 20.55 | 27.75 | 39.80 |
| 62 pounds | 2.99 | 5.48 | 9.19 | 15.34 | 20.88 | 28.20 | 40.45 |
| 63 pounds | 3.03 | 5.56 | 9.33 | 15.58 | 21.21 | 28.65 | 41.10 |
| 64 pounds | 3.07 | 5.64 | 9.47 | 15.82 | 21.54 | 29.10 | 41.75 |
| 65 pounds | 3.11 | 5.72 | 9.61 | 16.06 | 21.87 | 29.55 | 42.40 |
| 66 pounds | 3.15 | 5.80 | 9.75 | 16.30 | 22.20 | 30.00 | 43.05 |
| 67 pounds | 3.19 | 5.88 | 9.89 | 16.54 | 22.53 | 30.45 | 43.70 |
| 68 pounds | 3.23 | 5.96 | 10.03 | 16.78 | 22.86 | 30.90 | 44.35 |
| 69 pounds | 3.27 | 6.04 | 10.17 | 17.02 | 23.19 | 31.35 | 45.00 |
| 70 pounds | 3.31 | 6.12 | 10.31 | 17.26 | 23.52 | 31.80 | 45.65 |

EXCEPTIONS

The rate of 80 cents for first pound (over 8 ounces to 1 pound) and 80 cents for each additional pound or fraction thereof shall be charged on parcels transported by air as follows:

(a) Between any point in continental United States and any point in its Territories and possessions falling in the eighth delivery zone, namely, Hawaii, Alaska, Guam, etc.

(b) Between or within Territories and possessions of the United States where the eighth zone is applicable.

(c) Between continental United States or its Territories and possessions and the Canal Zone.

(d) Between United States or its Territories and possessions and overseas A. P. O.'s and Fleet Post Offices.

(e) Between United States or its Territories and possessions and United States naval vessels stationed in foreign waters if foreign port is used as part of address.

In the case of first-class matter weighing 8 ounces transported by air, the rate of 8 cents an ounce or fraction is applicable to parcels of the weights and in the zones indicated below:

Zones 1 and 2: All parcels weighing over 1 pound 3 ounces.

Zone 3: All parcels weighing over 1 pound 6 ounces.

Zone 4: All parcels weighing over 1 pound 10 ounces.

Zone 5: Parcels weighing over 1 pound 15 ounces, but not more than 2 pounds. All parcels weighing over 2 pounds 7 ounces.

Zone 6: Parcels weighing over 2 pounds 15 ounces, but not over 3 pounds. Parcels weighing over 3 pounds 10 ounces, but not over 4 pounds. All parcels weighing over 4 pounds 5 ounces.

Zone 7: Parcels weighing over 10 pounds 15 ounces, but not over 11 pounds. Parcels weighing over 11 pounds 14 ounces, but not over 12 pounds. Parcels weighing over 12 pounds 13 ounces, but not over 13 pounds. Parcels weighing over 13 pounds 12 ounces, but not over 14 pounds. Parcels weighing over 14 pounds 11 ounces, but not over 15 pounds. Parcels weighing over 15 pounds 10 ounces, but not over 16 pounds. Parcels weighing over 16 pounds 9 ounces, but not over 17 pounds. Parcels weighing over 17 pounds 8 ounces, but not over 18 pounds. Parcels weighing over 18 pounds 7 ounces, but not over 19 pounds. Parcels weighing over 19 pounds 6 ounces, but not over 20 pounds. Parcels weighing over 20 pounds 5 ounces, but not over 21 pounds. Parcels weighing over 21 pounds 4 ounces, but not over 22 pounds. Parcels weighing over 22 pounds 3 ounces, but not over 23 pounds. Parcels weighing over 23 pounds 2 ounces, but not over 24 pounds. All parcels weighing over 24 pounds 1 ounce.

Parcels weighing less than 10 pounds but exceeding 84 inches in length and girth combined shall be subject to the 10-pound rate.

(f) Parcels on which postage is prepaid at the rates prescribed by Public Law 819 are entitled to the most expeditious handling, transportation (by surface or air), and delivery practicable, but not special delivery. If special delivery at the office of address is desired the regular special delivery fees according to the class of matter are applicable. The rate of postage or fees otherwise chargeable on air parcels will not be affected by the inclusion of such written, printed or other matter as lawfully may be enclosed in mail of the second, third or fourth class sent by surface transportation.

(g) All parcels sent via Air Parcel Post should be prominently endorsed "Via Air Mail," not only on the address side but on each end and side. When available, printed labels bearing these words should be affixed to parcels. All parcels must bear the name and address of the sender.

(h) Air parcels which are undeliverable as addressed, when forwarded to the addressee at another post office or returned to the sender, will be subject to postage anew at the air zone rate applicable between the office from which forwarded or returned to the one to which forwarded or returned.

(i) Domestic registered, insured, and c. o. d. mail may be sent by air parcel post upon payment of the prescribed fees, which are in addition to the air zone postage, and surcharges when required on registered mail. All domestic registered mail sent by air parcel post must be securely sealed and postage must be prepaid thereon at the zone rates but in no case less than 3 cents an ounce or fraction thereof. First-class matter sent c. o. d. by air parcel post must also be sealed and be prepaid at the zone rates but not less than 3 cents an ounce or fraction thereof. Indemnity for insured mail sent at the air zone rates will be payable only for fourth-class matter. All domestic registered, insured, and c. o. d. mail prepaid at the air parcel post rates will be accepted with the understanding that the senders guarantee any return or forwarding postage which may be necessary.

(62 Stat. 1097)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-8717; Filed, Sept. 29, 1948; 8:47 a. m.]

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PART 5—CLASSIFICATION AND RATES OF POSTAGE

RATES AND CONDITIONS APPLICABLE TO ALASKA, HAWAIIAN ISLANDS, CANAL ZONE

In § 5.74 *Rates and conditions applicable to Alaska, Hawaiian Islands, Canal Zone* (39 CFR 5.74, 39 CFR, 1946, Supp., 5.74), as amended (13 F. R. 4710), make the following changes:

1. Amend paragraph (a) to read as follows:

(a) The eighth-zone rate of postage shall be charged for fourth-class matter intended for surface transportation, and the eighth-zone rate of 80 cents for the first pound or fraction thereof in excess of 8 ounces and 80 cents for each additional pound or fraction thereof shall be charged for air parcel post, when mailed between any point in the United States or its possessions and any point in the Hawaiian Islands; between any point in the United States or its possessions and any point in Alaska; and between any point in the United States or its possessions and the Canal Zone. The regular zone rate, according to distance or zone on fourth-class matter, and air mail weighing in excess of 8 ounces, shall be charged on such matter mailed from one post office to another within Alaska. (See §§ 5.12a and 5.72.)

(Sec. 8, 37 Stat. 557, as amended, 62 Stat. 1097; 39 U. S. C. 293)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-8716; Filed, Sept. 29, 1948; 8:47 a. m.]

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# TITLE 43—PUBLIC LANDS: INTERIOR

## Subtitle A—Office of the Secretary of the Interior

[Order 2477]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

SEPTEMBER 23, 1948.

1. A new section is added to Part 4, as follows:

§ 4.278 *Issuance of patents.* All patents for grants of land under authority of the Government shall be issued in the name of the United States by the Director, Bureau of Land Management. The patents may be signed for the Director by the Chief of the Patents Section of the Bureau, and, in his absence, by the Acting Chief of the Section.

2. Subparagraph (65) of paragraph (a) of § 4.275, added by Order 2442 of July 8, 1948, relating to the issuance of patents is revoked.

(R. S. 161, 453, 2478; Pub. Law 667, 80th Cong. 5 U. S. C. 22, 43 U. S. C. 2, 1201)

C. GIRARD DAVIDSON,
*Acting Secretary of the Interior.*

[F. R. Doc. 48-8712; Filed, Sept. 29, 1948; 8:46 a. m.]

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# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 8978]

PART 3—RADIO BROADCAST SERVICES

BROADCAST APPLICATION FORMS

In the matter of changes in F. C. C. Forms 301, Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station, 302, Application for New Broadcast Station License, 303, Application for Renewal of Broadcast Station License, 313, Application for Authorization in the Auxiliary Radio Broadcast Services, 314, Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License, 315, Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License, 321, Application for Construction Permit to Replace Expired Permit, and 701, Application for Additional Time to Construct Radio Station, and Extension of the Required Date of Use of the Broadcast Application Forms as Revised on June 16, 1948.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of September 1948;

The Commission having under consideration the required date of use of broadcast application forms F. C. C. Forms 301, 302, 303, 313, 314, 315, 321, and 701 as revised on June 16, 1948; and

It appearing, that supplies of the above described forms cannot be distributed to the public in time to begin their use by the prescribed date of October 1, 1948;

*It is ordered*, That pursuant to section 303 (r) of the Communications Act of 1934 the required date of use of F. C. C. Forms 301, 302, 303, 313, 314, 315, 321, and 701 as revised on June 16, 1948 be extended to December 1, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 48-8734; Filed, Sept. 29, 1948; 8:52 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [7 CFR, Part 966]

[Docket No. AO164-A1]

ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER AND TENTATIVELY APPROVED MARKETING AGREEMENT REGULATING HANDLING; EXTENSION OF TIME FOR FILING EXCEPTIONS

The time within which interested parties may file exceptions to the recommended decision (13 F. R. 5338, 5401) of the Assistant Administrator, Production and Marketing Administration, with respect to proposed amendments to the order and tentatively approved marketing agreement regulating the handling of oranges grown in the State of California or in the State of Arizona is hereby extended to not later than the close of business on October 19, 1948.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Supps. 900.1 et seq.)

Done at Washington, D. C., this 24th day of September 1948.

[SEAL] JOHN I. THOMPSON,
*Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 48-8728; Filed, Sept. 29, 1948; 8:50 a. m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Internal Revenue

### [26 CFR, Part 29]

TAXATION OF AMOUNTS RECEIVED AS AN ANNUITY UNDER AN ANNUITY OR ENDOWMENT CONTRACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued on the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] GEO. J. SCHOENEMAN,
*Commissioner of Internal Revenue.*

Regulations 111 (26 CFR, Part 29) are amended as follows:

Section 29.22 (b) (2)-2 is amended by striking the first sentence and by inserting in lieu thereof the following: "As used in section 22 (b) (2) (A), 'amounts received as an annuity under an annuity or endowment contract' means amounts (based on a computation with reference to life expectancy and mortality tables and payable over a period longer than one year) received in periodical installments, whether annually, semiannually, quarterly, monthly, or otherwise. Where payments received under an endowment contract were reported, for taxable years ending prior to but not on December 31, 1948, as amounts received as an annuity under an annuity or endowment contract, that portion of such payments on which tax was paid, and not refunded, will not again be included in taxable income."

[F. R. Doc. 48-8718; Filed, Sept. 29, 1948; 8:52 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [47 CFR, Part 3]

[Docket No. 8747]

ORIGINATION POINT OF PROGRAMS BY STANDARD AND FM BROADCAST STATIONS

ORDER SCHEDULING ORAL ARGUMENT

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 24th day of September 1948.

It appearing, that oral argument in this matter has been scheduled for October 11, 1948 and it appearing necessary to change the time of this argument.

*It is ordered*, That the Commission will hear said oral argument on October 15, 1948 at 3:00 p. m. in Room 6121, New Post Office Building, 12th and Pennsylvania Avenue, Washington, D. C.

Released: September 24, 1948.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 48-8737; Filed, Sept. 29, 1948; 8:53 a. m.]

### [47 CFR, Part 13]

[Docket No. 8481]

THREE NEW CLASSES OF OPERATOR LICENSES FOR BROADCAST SERVICE

CORRECTED REPORT AND FINAL ORDER

In the matter of amendment of the Commission's rules and regulations to provide for three new classes of operator licenses for the broadcast service.

Formerly captioned: In the matter of amendment of § 13.2, amendment of § 13.21, amendment of § 13.22, amendment of § 13.61.

In the above entitled matter, a general public hearing before the Commission en banc was held in Washington, D. C., on May 10, 1948. Those appearing at the hearing were Bryce Rea, Jr., on behalf of National Association of Broadcasters; Thomas X. Dunn, on behalf of National Association of Broadcast Engineers and Technicians; L. Wimberly, on behalf of National Headquarters, International Brotherhood of Electrical Workers; S. L. Hicks, on behalf of Local No. 1229, International Brotherhood of Electrical Workers; Raymond A. Wood, on behalf of Local No. 1212 International Brotherhood of Electrical Workers; and Lester W. Spillane and George MacClain on behalf of the Federal Communications Commission.

Since the end of the war, and in view of the development of new and advanced radio techniques, the Commission has been considering what revisions, if any, should be made in its operator license requirements for the operation of stations in the broadcast service. Particular attention has been given to the question of the desirability of establishing a graded system of operator licenses valid for specified operations in cases where under the present system only the first class radiotelephone operator license is valid. On August 1, 1947 a notice of proposed rule making was issued, proposing the establishment of a new lower class license valid for the limited operation of certain categories of broadcast stations of 1,000 watts or less authorized power. Written comments were received from many interested parties. On the basis of these comments and a series of informal conferences which were held, a further notice of proposed rule making was issued on March 25, 1948, incorporating some portions of the earlier notice but also proposing two additional classes of operator licenses for the broadcast service, and a general public hearing was scheduled on the matter of this proposed revision of operator requirements. The hearing was held on May 10, 1948, at which the above-named persons and organizations appeared and presented evidence.

On the basis of the entire record in this proceeding, the Commission has concluded that no substantial need or justification exists for the proposed rules, or for any substantial change in the present structure of operator licenses for the broadcast service: *Provided*, That the qualifying examinations for the licenses are kept up to date in relation to developments in the broadcast radio art through appropriate periodic revisions in the qualifying examinations which underlie the license system.

Some time ago the Commission commenced the systematic revision of its operator license examinations. Work in this respect has recently been completed in regard to the examinations for the radiotelephone first and second class operator licenses and these revised examinations have been placed in effect.

In view of the foregoing, the Commission has concluded that it will be in the public interest to dismiss the pro-

ceedings herein, and they are, accordingly, hereby ordered dismissed.

Adopted: September 8, 1948.

Released: September 9, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 48-8738; Filed, Sept. 29, 1948; 8:53 a. m.]

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## [47 CFR, Parts 2, 6, 10, 11, 16]

[Docket Nos. 8658, 8965, 8972-8974, 9001, 9018, 9046, 9047]

GENERAL MOBILE RADIO SERVICE, ETC.

SCHEDULE OF ORAL ARGUMENT

In the matter of general mobile radio service, Docket No. 8658; allocation of frequencies between 25 and 30 Mc., Docket No. 8965; allocation of frequencies 44 and 50 Mc. and between 152 and 162 Mc., Docket No. 8972; allocation of frequencies between 72 and 76 Mc., Docket No. 8973; allocation of frequencies in the Band 450-460 Mc., Docket No. 8974; revision of Part 10, "Rules and Regulations Governing Emergency Radio Service" to change the name of this part to "Rules and Regulations Governing Public Safety Radio Services", and to make other changes and amendments, Docket No. 9001; promulgation of new Part 11 of the Commission's rules, "Rules Governing Industrial Radio Services", Docket No. 9018; proposed rules and regulations governing domestic public mobile radiotelephone services, Docket No. 9046; promulgation of new Part 16, "Rules Governing the Land Transportation Radio Services", Docket No. 9047.

The oral argument in the above entitled proceedings will commence at 10:00 a. m. Wednesday, October 6, 1948 and will continue through October 7, 8, 9, 11, 12, 13 and 14. There is listed below a schedule of parties in the order in which they will be heard together with the time estimated for the presentation of their argument based on time estimates filed by the parties. By referring to the schedule, interested parties may determine the approximate time when they can expect to be heard. The argument will begin in Conference Room B, Departmental Auditorium, on Constitution Avenue, between 12th and 14th Streets NW., Washington, D. C.

DOCKETS 8965, 8973, 8974

[To commence Oct. 6, 1948, at 10 a. m.]

| Parties | Time estimated (minutes) |
|---|---|
| Associated Police Communications Officers | 10 |
| California State Communications Advisory Board | 15 |
| International Association Chiefs of Police | 10 |
| National Police Radio Committee | 10 |
| National Committee for Utilities Radio | 10 |
| National Association of Broadcasters | 10 |
| National Broadcasting Co | 10 |
| RCA and RMCA | 10 |
| Telanserphone, Inc | 20 |
| American Telephone & Telegraph Co | 30 |
| Dumont Laboratories, Inc | 15 |
| Television Broadcasters Association | 15 |
| Link Radio | 10 |
| Motorola, Inc | 60 |
| Jeffrys-McElroth Manufacturing Co | 10 |

DOCKETS 8658, 8972, 9001, 9018, 9046, 9047

[To commence Oct. 6, 1948, at 3 p. m.]

| Parties | Time estimated (minutes) |
|---|---|
| Association of American Railroads | 120 |
| American Short Line Railroad Association | 20 |
| Atchison, Topeka & Santa Fe Ry. System | 10 |
| Baltimore & Ohio R. R | 20 |
| Chesapeake & Ohio Ry. Co | 30 |
| Chicago & Eastern R. R | 10 |
| Chicago & Northwestern R. R | 30 |
| Chicago & Rock Island R. R | 30 |
| Delaware, Lackawanna & Western R. R | 10 |
| Denver & Rio Grande Western R. R. Co | 30 |
| Erie Railroad Co | 30 |
| Grand Trunk Railway System | 30 |
| Missouri, Kansas & Texas Lines | 30 |
| New York Central System | 30 |
| Nickel Plate Road | 10 |
| Seaboard Air Line R. R. Co | 15 |
| Union Pacific R. R | 25 |
| Armstrong Cork Co | 10 |
| Bendix Radio | 10 |
| Farnsworth Television & Radio Corp | 30 |
| General Railway Signal Co | 30 |
| Railway Radio Telephone, Inc | 20 |
| RTPB, Panel 13, Committee 1 | 15 |
| Associated Police Communications Officers, Inc | 120 |
| International Association of Chiefs of Police | 180 |
| National Police Committee | 40 |
| Eastern States Police Radio League | 10 |
| California Police Radio Association | 10 |
| California State Communications Advisory Board | 60 |
| City of Boston | 5 |
| City of Detroit | 20 |
| City of Denver | 10 |
| City of Indianapolis | 25 |
| Massachusetts Chiefs of Police Association | 10 |
| Forestry Conservation Communications Association | 10 |
| Florida Board of Forestry | 10 |
| State of Florida | 10 |
| American Association of State Highway Officials | 80 |
| International Municipal Signal Association | 30 |
| Interstate Land & Improvement Co | 10 |

DOCKETS 8658, 8972, 9001, 9018, 9046, 9047—Continued

[To commence Oct. 6, 1948, at 3 p. m.]

| Parties | Time estimated (minutes) |
|---|---|
| National Committee for Utilities Radio | 190 |
| National Rural Electric Cooperative Association | 15 |
| Rural Electrification Administration | 5 |
| Idaho Power Co | 10 |
| San Diego Gas & Electric Co | 5 |
| Southern California Edison Co | 5 |
| American Petroleum Institute | 30 |
| National Forest Industries | 30 |
| American Newspaper Publishers Association | 30 |
| Boston Herald Traveler | 10 |
| New York Daily Mirror | 90 |
| American Automobile Association | 30 |
| Motion Pictures Research Council | 30 |
| 20th Century Fox Film Corp | 30 |
| Association of Federal Communications Consulting Engineers | 30 |
| Cooperative Grange League | 10 |
| KPOJ, Inc | 10 |
| Rural Radio Network, Inc | 30 |
| Albuquerque Gravel Products | 10 |
| Atlantic Coast Tow Boat Association | 15 |
| Boston Tow Boat Co | 15 |
| Lake Carriers Association | 30 |
| National Federation of American Shipping | 15 |
| Western Union | 30 |
| National Association of Broadcasters | 45 |
| American Broadcasting Co | 20 |
| Columbia Broadcasting System | 15 |
| Mutual Broadcasting System | 30 |
| National Broadcasting Co | 15 |
| American Taxicab Association | 60 |
| National Association of Taxicab Owners | 20 |
| Boston Cab Co | 15 |
| Yellow Cab of Philadelphia | 10 |
| American Transit Association | 15 |
| Capital Transit Co | 5 |
| National Bus Communications | 15 |
| American Telephone & Telegraph Co | 120 |
| Cincinnati & Suburban Bell Telephone Co | 30 |
| Illinois Bell Telephone Co | 45 |
| New Jersey Bell Telephone Co | 30 |
| New York Telephone Co | 45 |
| Pacific Telephone & Telegraph Co | 30 |
| U. S. Independent Tel. Association | 45 |
| General Telephone Corp | 30 |
| Aeronautical Radio, Inc | 10 |
| Julius Cohen | 15 |
| J. J. Freke-Hayes, et al | 60 |
| Louis J. Orefice | 15 |
| Ward C. Rogers | 10 |
| Solomon Schiller | 30 |
| Richmond Radio Dispatch | 10 |
| Twin City Radio Dispatch | 5 |
| Newton Z. Wolpert | 10 |
| U-Dryvit Auto Rental | 30 |

Adopted: September 24, 1948.

Released: September 24, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 48-8735; Filed, Sept. 29, 1942; 8:52 a. m.]

# NOTICES

## NATIONAL MILITARY ESTABLISHMENT

### Secretary of Defense

[Transfer Order 22]

FUNCTIONS RELATING TO SECURITY CONTROL OF CONTRACTORS' FACILITIES AND PERSONNEL

ORDER TRANSFERRING FROM DEPARTMENT OF ARMY TO DEPARTMENT OF AIR FORCE

Pursuant to the authority vested in me by the National Security Act of 1947 (Act of July 26, 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, *It is hereby ordered as follows:*

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force all functions, powers and duties relating to security control of contractors' facilities and personnel insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property or personnel, which are vested in the Secretary of the Army or any officer of that Department by the following laws, parts of laws and Executive orders, as limited by other laws, parts of laws and Executive orders, whether or not specifically set forth herein:

a. Act of July 2, 1926, c. 721, sec. 10 (j) (44 Stat. 784; 10 U. S. C. 310 (j)).

b. Executive Order No. 8972, Dec. 12, 1941 (6 F. R. 6420).

c. All other laws, parts of laws, including applicable provisions of appropriations acts, and Executive orders which vest in the Secretary of the Army or the Department of the Army or any officer of that Department functions, powers and duties relating to security control of contractors' facilities and personnel insofar as they pertain to the Department of the Air Force or the United States Air Force or their property and personnel.

2. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

3. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

4. Nothing contained in this order shall operate as a transfer of funds.

5. This order shall be effective as of 12:00 noon, September 1, 1948.

JAMES FORRESTAL,
*Secretary of Defense.*

SEPTEMBER 21, 1948.

[F. R. Doc. 48-8713; Filed, Sept. 29, 1948; 8:46 a. m.]

### Department of the Army

ORGANIZATION AND PROCEDURES OF THE CIVIL AFFAIRS DIVISION

TRIPARTITE ANNOUNCEMENT REGARDING FOREIGN EXCHANGE CONTROL

Section 3.40b is added to the regulations which were formerly published as Part 3, Subtitle A, Title 10, Code of Federal Regulations, as follows:

SEC. 3.40b. *Tripartite announcement in regard to Allied Control Council Law No. 5 and U. S. Military Government Law No. 53.* (a) Pursuant to an agreement between the U. S., U. K., and French Military Governments, all persons (natural and juristic persons) not subject to Allied Control Council Law Number 5 who own non-German currencies or who own securities expressed in other than Germany currency, which are presently held by the military governments pursuant to Military Government Law Number 53 (see section 3.40), are invited to submit applications for the recognition of their title to such currencies, or securities. All German financial institutions carrying accounts of such securities for such persons are requested to notify the accounts owners accordingly.

(b) Persons desiring recognition of title to currencies and securities are invited to submit evidence to demonstrate their ownership of the currencies and securities involved and that no party subject to Control Council Law Number 5 has an interest therein and the property is not subject to external or internal restitution claims. Such inquiries must be filed by December 31, 1948, and should be addressed for property located; in the U. S. Zone of Occupation to: Office of the Finance Adviser, OMGUS, APO 742, U. S. Army. In the British Zone of Occupation to: Headquarters, Investigation Branch, Finance Division, Headquarters R B, Duesseldorf, 318 Headquarters, CCG (BE), BAOR 4. In the French Zone of Occupation to: Bureau Des Titres Estrangers, Landau, Palatinate.

(c) It is pointed out that, among others, there are subject to Control Council Law Number 5 all German nationals in Germany and all those German nationals now outside of Germany who have been residents of Germany or any other territory since September 1, 1939, which at the time of their residence was under the control of the German Reich and who enjoyed full rights of German citizenship at any time since September 1, 1939.

(d) External restitution claims are those filed by governments eligible for restitution to recover property removed from such countries during their occupation by Germany. Exemption from external restitution may be shown by submission of proof that the property has been owned exclusively since September 1, 1939 and was not removed from a country occupied by the Germans during the German occupation. Internal restitution claims are those filed by persons for recovery of property taken from them under duress in Germany for racial, religious and political reasons at any time after January 30, 1933. Exemption from internal restitution may be shown by submission of proof that the currencies or securities have been owned exclusively since January 30, 1933.

(e) The three military governments have further agreed to permit removal from Germany of currencies or securities, title to which has been recognized, when the recognized owner is not a resident of Germany.

[SEAL] EDWARD F. WITSELL,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 48-8731; Filed, Sept. 29, 1948; 8:50 a. m.]

## DEPARTMENT OF COMMERCE

### Office of Industry Cooperation

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE ARMED FORCES

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and of the Armed Forces, and after expression of the views of industry, labor and the public generally at an open public hearing held on August 3, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395.

1. *What this plan does.* This plan sets up the procedure under which steel producers agree voluntarily to make steel products available either directly to the Army, Navy or Air Force (hereinafter referred to collectively as the Armed Forces) or to persons who need such products to fill contracts for the Armed Forces.

2. *Agreement by steel producers.* The steel producers participating in this plan will, while the plan remains in effect, make steel products available, out of their own production or that of their subsidiaries or affiliates, directly to the Armed Forces or to persons who need such products to fill requirements under contracts for the Armed Forces, and who comply with the provisions of this plan.

The maximum total monthly quantity of steel products to be made available under this plan will be 102,505 net tons, of which not more than 87,065 net tons will be carbon steel and not more than 15,440 net tons will be alloy steel.

3. *Determination of quantities to be furnished by respective producers.* The quantities of each steel product to be made available by each steel producer participating in this plan, as its commitment hereunder, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office

of Industry Cooperation of the Department Commerce, determines to be fair and equitable. Participating steel producers will take credit against such commitments only for deliveries certified in accordance with paragraph 8 below.

4. *Contractual arrangements.* The participating steel producers, or their subsidiaries or affiliates, will make contractual arrangements directly with the Armed Forces procurement agencies or persons requiring steel products under this plan. This plan does not authorize nor approve any fixing of prices, and participation in this plan does not affect the prices or terms and conditions on which any steel product is actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* Each participating steel producer need make available under this plan only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products under this plan, and the quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each participating steel producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that Office periodic reports of the total quantities, by types, of steel products shipped under this plan.

7. *Steel consumers entitled to benefit under this plan.* This plan is available to all Armed Forces procurement agencies and to all individuals, firms, associations, companies, corporations, or organized manufacturing industries which have contracts for delivery of products or materials to the Armed Forces, either directly on prime contracts or indirectly on subcontracts, and which need steel, in the form of steel products sold by steel producers, in order to fill such contracts: *Provided*, The prime contracts have been designated by the Armed Forces as entitled to the benefits of this plan. Responsible authorities within the Armed Forces will determine which particular contracts are entitled to the benefits of the plan and, in such cases, will so notify the prime contractors in writing. In the case of contractors or subcontractors, the plan applies only to steel products which are needed as production material for physical incorporation in the end products or in part of the end product to be delivered to the Armed Forces. It does not apply to steel products for plant construction or equipment unless the plant or equipment is to be owned by the Armed Forces.

8. *Procedure by which steel consumers may secure steel products under this plan.* A steel consumer placing an order with a steel producer for steel products, all or some of which are being purchased under this plan, must (a) separately identify the quantities being ordered under this plan, (b) place on the order a certificate in the following form, and (c) specify, in the certificate, the official Armed Forces contract number or numbers involved:

The undersigned certifies, subject to the penalties of Section 35 (A) of the United States Criminal Code, to the seller and to the Department of Commerce that the items and quantities identified in this order as being for Armed Forces contract(s), designated below, are not more than the needed minimum quantities to fill the requirements of the undersigned under Armed Forces Contract(s) No. _____ (insert name of Armed Forces department and number of Armed Forces contract(s)); that all the steel products so identified in this order will be used solely to fill the undersigned's requirements under such contract(s); that the deliveries specified will not result in receipts of steel products at a rate in excess of the minimum requirements necessary to provide the deliveries of end products called for by such contract(s); that the undersigned knows, or is reliably informed, that the Armed Forces department involved has specifically designated such contract(s) as entitled to the benefits of the Voluntary Plan of the Department of Commerce for Allocation of Steel Products for Requirements of the Armed Forces; and that this order is placed in accordance with the terms of that Plan, with which the undersigned is familiar.

By _____
Title of duly authorized officer

_____
Date

9. *Reports from consumers.* The Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) may require any consumer obtaining steel products under this plan to furnish reports with respect to steel products on hand and under arrangements, or any other information pertinent to any orders placed under this plan.

10. *Applicability of anti-trust laws.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers by the Secretary of Commerce, any such steel producer may become a participant in this plan by advising the Secretary of Commerce of its acceptance of the request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act as provided in section 2 (c) of Public Law 395, 80th Congress, only with respect to such steel producers as notify the Secretary of Commerce, in writing, that they will comply with such request.

11. *Effective date and duration.* This plan shall become effective on the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram or publication in the FEDERAL REGISTER.

12. *Withdrawal from plan.* Any steel producer may withdraw from this plan by giving not less than 60 days' written notice to the Secretary of Commerce.

Approved: August 23, 1948.

CHARLES SAWYER,
*Secretary of Commerce.*

Approved: August 24, 1948.

PEYTON FORD,
*Acting Attorney General.*

AUGUST 26, 1948.

GENTLEMEN:

Under date of July 1, 1948, President Truman wrote to me stating that he did not consider it appropriate at this time to invoke the mandatory authority contained in the Selective Service Act of 1948, for the procurement of steel for armed forces, contractors, and sub-contractors. He therefore asked me to proceed immediately to develop a voluntary allocation program.

Accordingly, a Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Requirements of the Armed Forces, has been developed. This Plan has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

In accordance with the provisions of Paragraph 3 of the Plan, an initial determination has been made by me with respect to the quantities of each type of steel product which should be made available by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395, and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me, with the advice of the Industry Task Committee, in accordance with Paragraph 3 of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
*Secretary of Commerce.*

NOTE: The above request for compliance with Department of Commerce Voluntary Plan for Allocation of Steel Products for Requirements of the Armed Forces was sent to steel companies listed on an attachment filed with the original document.

[F. R. Doc. 48-8724; Filed, Sept. 29, 1948; 8:49 a. m.]

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## VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR TANK AND OIL FIELD PRODUCTION EQUIPMENT

The Secretary of Commerce, pursuant to the authority vested in him by Public

Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and manufacturers of tank and oil field production equipment, and after expression of the views of industry, labor and the public generally at an open public hearing held on August 4, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. In furtherance of the program for the oil and gas industry, the steel producers participating herein will, during the period this plan shall remain in effect, make available or cause to be made available, out of the production of their own mills or the mills of their subsidiaries or affiliates, a total of 16,530 net tons of steel products per month, to manufacturers of tank and oil field production equipment who comply with the provisions of this plan (hereinafter called Manufacturers), for use solely in the manufacture of oil and gas separators, heaters, emulsion treaters, bolted storage tanks, welded production tanks, gas dehydrating units, chemical feeders, bands for wood tanks, and equipment appurtenant thereto, necessary for the production of oil and gas at the well head, in accordance with and subject to the terms and conditions hereinafter set forth.

2. (a) The quantities and types of such steel products so to be made available by each steel producer shall, except as may be otherwise specified in such steel producer's acceptance hereof, be such as the Secretary of Commerce, after consultation with the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable in order to accomplish, as nearly as may be, the supply of such steel products, on an average monthly basis, in the approximate quantities specified in the following schedule:

| *Type* | *Total net tons per month* |
|---|---|
| Sheets 16 gauge and heavier (85% are 10 and 12 gauge 60" wide) | 8,300 |
| Plates $\frac{1}{10}$" to $\frac{5}{8}$" | 4,930 |
| Plates over $\frac{5}{8}$" | 940 |
| Structural shapes | 1,820 |
| Pipe $\frac{1}{8}$" to 24" | 540 |
| Total | 16,530 |

Each steel producer participating herein will, however, upon request of the Secretary of Commerce, give consideration to making such steel products available under this plan in amounts additional to the amounts provided for in its acceptance hereof.

(b) Such steel products will be made available under such contractual arrangements as may be made by the respective steel producers, or their subsidiaries and affiliates, with the respective Manufacturers, and no request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers or to the delivery of steel products or to the allocation of business among such Manufacturers, nor will any request or authorization be made to such steel producers for any limitation or restriction on the production or marketing of any such steel products. Nothing herein contained shall be construed as authorizing or approving any fixing of prices, and the participation herein of any steel producer shall not affect the prices or terms and conditions on which any such steel products as are made available, are actually sold and delivered.

(c) Each steel producer participating herein will make available, or cause to be made available, only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products. The quantities of such steel products which it will make available, or cause to be made available in any month, may be reduced, or at its option the delivery thereof may be postponed, in direct proportion to any production losses which it or its subsidiary or affiliate shall sustain during any such month, due to causes beyond its or their control.

(d) Each steel producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) report to the Office of Industry Cooperation the total quantities of the several types of such steel products shipped, pursuant to purchase orders hereunder, in any monthly period or periods during the operation of this plan.

3. (a) Each individual Manufacturer participating herein will submit to the Secretary of Commerce monthly schedules and reports (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) on forms furnished by the Secretary of Commerce, showing by plants (1) the quantities and types of such equipment scheduled for production during the succeeding month hereunder; (2) the net tonnage of each size and kind of such steel products required for each item scheduled in (1) hereof during the succeeding month; (3) the total quantities and kinds of such steel products received from all sources during the next preceding month; (4) the quantities of each type of such equipment manufactured during the preceding month; and (5) other relevant information. After receiving such schedules and reports, the Secretary of Commerce will relate such estimated requirements to the over-all program and determine the quantities of steel products to be made available herein to each individual participating Manufacturer.

(b) By participation herein, the several Manufacturers shall be obligated to use all steel products made available hereunder solely for and in the manufacture of the types of tank and oil field production equipment listed in paragraph 1 hereof; not to resell or transfer any of such steel products in the form received by such Manufacturers, except to such subsidiary, affiliate, subcontractor or fabricator as may be designated for the manufacture or fabrication of any of such equipment; nor build up any inventories of steel or end products beyond current needs for the purposes hereof. Each purchase order placed with a steel producer for any such steel products to be made available hereunder shall bear the following certification of the Manufacturer placing such purchase order:

The undersigned certifies to the seller and to the Department of Commerce that the steel products specified in this order will be used solely for and in the manufacture and production of _____, and that this order is placed under, and in strict compliance with, Section 3 (b) of Department of Commerce Voluntary Plan, under Public Law 395, 80th Congress, for Allocation of Steel Products for Tank and Oil Field Production Equipment, with which the undersigned is familiar.

4. After approval hereof by the Attorney General and by the Secretary of Commerce, and after requests for compliance herewith shall have been made of steel producers and Manufacturers by the Secretary of Commerce, any such steel producer or Manufacturer may become a participant herein by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such steel producers and Manufacturers as notify the Secretary of Commerce in writing that they will comply with such requests.

5. This plan shall become effective upon the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon notice, by letter, telegram or by publication in the FEDERAL REGISTER, not less than sixty days prior to such earlier date.

6. Any such steel producer or Manufacturer may withdraw from this plan by giving not less than sixty days written notice of its intention so to do to the Secretary of Commerce.

Approved: August 25, 1948.

CHARLES SAWYER,
*Secretary of Commerce.*

Approved: August 24, 1948.

PEYTON FORD,
*Acting Attorney General.*

AUGUST 26, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Tank and Oil Field Production Equipment, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

In accordance with the provision of Paragraph 2 of the Plan, an initial determination has been made by me with respect to the monthly quantities of each type of steel product which should be made available by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me with the advice of the Industry Task Committee, in accordance with Paragraph 2

of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the antitrust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
*Secretary of Commerce.*

AUGUST 27, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Tank and Oil Field Production Equipment, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience, I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan.

Requests of like tenor are being directed to all other known manufacturers proposed to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the antitrust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you agree in writing to comply with the Plan.

In accordance with paragraph 3 (a) of the Plan, the Secretary of Commerce will determine your allocation of steel products under the Plan.

It is essential, in carrying out the proposed Plan, that I know as promptly as possible how many manufacturers desire to participate in the Plan. I trust, therefore, that I may receive your favorable response on or before September 7, 1948. If I do not receive your acceptance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
*Secretary of Commerce.*

NOTE: The above requests for compliance with Department of Commerce Voluntary Plan for Allocation of Steel Products for Tank and Oil Field Production Equipment was sent to steel producers and equipment manufacturers on attachments filed with the original document.

[F. R. Doc. 48-8725; Filed, Sept. 29, 1948; 8:49 a. m.]

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## VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS TO THE ANTHRACITE INDUSTRY

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and of operators of anthracite mines, and after expression of the views of industry, labor and the public generally at an open public hearing held on August 6, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. In furtherance of the proposed program for (a) the mining and preparation of anthracite at an annual rate of approximately 58,000,000 net tons, and (b) the essential maintenance and repair of existing mining and preparation facilities, the steel producers participating herein will, during the period this Plan shall remain in effect, make available, or cause to be made available, out of the production of their own mills or the mills of their subsidiaries or affiliates, a total of 2,570 net tons of steel products per month, in not less than carload lots, to operators of anthracite mines who comply with the provisions of this Plan (hereinafter called Operators), in accordance with and subject to the terms and conditions hereinafter set forth.

2. (a) The quantities of each type of such steel products so to be made available by each of the steel producers shall, except as may be otherwise specified in any such steel producer's acceptance hereof, be such as the Secretary of Commerce (after consultation with the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce) determines to be fair and equitable, in order to accomplish, as nearly as may be, the supply of steel products, on an average monthly basis, in the approximate quantities specified in the following suchedule:

| Types of products: | *Net tons per month* |
|---|---|
| Plates | 550 |
| Sheet and strip | 750 |
| Pipe | 410 |
| Rails | 860 |
| Total | 2,570 |

Each steel producer participating herein will, however, upon request of the Secretary of Commerce, give consideration to making such steel products available for the purposes of this plan in amounts additional to the amounts provided for in its acceptance of this plan.

(b) Such steel products will be made available under such contractual arrangements as may be made by the respective steel producers or their subsidiaries and affiliates with the respective Operators, and no request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers or to the delivery of steel products or to the allocation of business among such Operators nor will any request or authorization be made to such steel producers for any limitation or restriction on the production or marketing of any such steel products. Nothing herein contained shall be construed as authorizing or approving any fixing of prices, and the participation herein of any steel producer shall not affect the prices or terms and conditions on which any such steel products as are made available are actually sold and delivered.

(c) Each steel producer participating herein will make available or cause to be made available only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products and the quantities of steel products which it will make available or cause to be made available in any month during said period may be reduced, or at its option the delivery thereof may be postponed in direct proportion to any production losses which it or its subsidiary or affiliate shall sustain during any such month due to causes beyond its or their control.

(d) Each such steel producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) report to the Office of Industry Cooperation the total quantities of the several types of steel products shipped pursuant to such purchase orders, in any monthly period or periods during the operation of this plan.

3. (a) Each Operator becoming a participant herein will forthwith submit to the Office of Industry Cooperation of the Department of Commerce (unless previously submitted) a shedule showing the quantity of anthracite scheduled for production by it, monthly, during the period this plan shall remain in effect, and estimates of the quantities of steel products required therefor. Such schedules and estimates shall be similarly furnished from time to time thereafter upon request of the Office of Industry Cooperation. The quantities and types of steel products to be made available monthly hereunder to the several participating Operators, within the schedule set forth in paragraph 2 (a) hereof, shall be initially determined by the Secretary of Commerce after consultation with the Anthracite Industry Task Committee, subject to such revision, if any, from time to time, as may be deemed necessary by the Secretary of Commerce after consultation with such Committee. For the purposes of such determination, consideration will be given to past production records and other relevant factors.

(b) By participation herein, the several Operators shall be obligated to use all steel products made available hereunder solely in the mining and preparation of anthracite; not to resell or transfer any thereof (except to such subsidiary, affiliate or subcontractor as may be designated by any such Operator for the mining of anthracite) in the form received by such Operators; and not to build up inventory of such steel products beyond current needs for the purposes hereof. Each purchase order placed with a steel producer for steel products to be made available hereunder shall bear the following certification of the Operator placing such purchase order:

The undersigned certifies to the seller and to the Department of Commerce that the steel products specified in this order will be used solely for and in the mining and preparation of anthracite by the undersigned, or in the essential maintenance and repair of the undersigned's anthracite mining and preparation facilities, and that this order is placed under, and in strict compliance with, Department of Commerce Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products to the Anthracite Industry, with which the undersigned is familiar.

(c) Each Operator participating herein shall furnish such reports (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) on forms furnished by the Secretary of Commerce, from time to time, as the Secretary of Commerce may deem desirable or necessary, showing the total quantities and types of steel products received from all sources and the quantities of anthracite produced, and other relevant information.

4. After approval hereof by the Attorney General and by the Secretary of Commerce, and after requests for compliance herewith shall have been made of steel producers and Operators by the Secretary of Commerce, any such steel producer or any such Operator may become a participant herein by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such steel producers and such Operators as notify the Secretary of Commerce in writing that they will comply with such requests.

5. This plan shall become effective upon the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon notice, by letter, telegram, or publication in the FEDERAL REGISTER, not less than sixty days prior to such earlier date.

6. Any such steel producer or Operator may withdraw from this plan by giving not less than sixty days written notice of its intention so to do to the Secretary of Commerce.

Approved: August 25, 1948.

CHARLES SAWYER,
*Secretary of Commerce.*

Approved: August 24, 1948.

FEYTON FORD,
*Acting Attorney General.*

AUGUST 26, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for the Anthracite Industry, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the plan is enclosed.

In accordance with Paragraph 2 of the Plan, an initial determination has been made by me with respect to the monthly quantities of each type of steel product which should be made available by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me, with the advice of the Industry Task Committee, in accordance with Paragraph 2 of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
*Secretary of Commerce.*

AUGUST 27, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products to the Anthracite Industry for the essential maintenance and repair of existing mining and preparation facilities, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395, and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan.

Requests of like tenor are being directed to all other steel consumers proposed to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you agree in writing to comply with the Plan.

In accordance with the provisions of Paragraph 1 of the Plan, steel products will be made available, in not less than carload lots, to operators participating in the Plan. The task committee of the Anthracite Industry Advisory Committee is presently engaged in developing a formula under which consumers of less than carload lots may receive their allocations under the Plan.

Since it is essential to carrying out the Proposed Plan that I be informed without delay of the net amount of steel allocations to be executed under the Plan, I must know as promptly as possible how many consumers desire to participate. I trust, therefore, that I may have your favorable response on or before September 10, 1948. If I do not receive your acceptance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
*Secretary of Commerce.*

NOTE: The above requests for compliance with Department of Commerce Voluntary Plan for Allocation of Steel Products to the Anthracite Industry was sent to the steel producers and consumers listed on an attachment filed with the original document.

[F. R. Doc. 48-8726; Filed, Sept. 29, 1948; 8:49 a. m.]

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## VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, CONVERSION AND REPAIR OF DOMESTIC FREIGHT-CARRYING BARGES AND TOWING VESSELS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and of builders of domestic barges and towing vessels, and after expression of the views of industry, labor and the public generally at an open public hearing held on August 5, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. In furtherance of the proposed program of the Office of Defense Transportation for (a) the construction of new domestic freight-carrying barges and towing vessels of 3,000 gross tons or less for inland waterway or harbor use (hereinafter referred to as domestic barges and towing vessels), and (b) the repair and conversion of such type of equipment, the steel producers participating herein will, beginning October 1, 1948, and continuing during the period this plan shall remain in effect, make available, or cause to be made available (out of the production of their own mills or the mills of their subsidiaries or affiliates), a total of 20,000 net tons of steel products per month to builders and repairers of domestic barges and towing vessels who comply with the provisions of this plan (hereinafter called Builders), in accordance with and subject to the terms and conditions hereinafter set forth.

2. (a) The quantities and types of such steel products so to be made available by each of the steel producers shall be (except as may be otherwise specified in any such steel producer's acceptance hereof) such as the Director of the Office of Defense Transportation (after consultation with the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce) determines to be fair and equitable, in order to accomplish, as nearly as may be, the supply of such steel products, on an average monthly basis, necessary to fulfill the purposes of this plan in the approximate quantities specified in the following table:

| Types of products: | *Net tons per month* |
|---|---|
| Structural shapes | 5,700 |
| Plates | 13,700 |
| Sheet and strip | 100 |
| Pipe | 300 |
| Hot rolled bars | 200 |
| Total | 20,000 |

Each steel producer participating herein will, however, upon request of the Office of Defense Transportation, give consideration to making such steel products available for the purposes of this plan in amounts additional to the amounts provided for in its acceptance of this plan.

(b) Such steel products will be made available under such contractual arrangements as may be made by the respective steel producers or their subsidiaries and affiliates with the respective Builders, and no request or authorization will be made by the Office of Defense Transportation relating to the allocation of orders or customers or to the delivery of steel products or to the allocation of business among such Builders nor will any request or authorization be made to

such steel producers for any limitation or restriction on the production or marketing of any such steel products. Nothing herein contained shall be construed as authorizing or approving any fixing of prices, and the participation herein of any steel producer shall not affect the prices or terms and conditions on which any such steel products as are made available are actually sold and delivered.

(c) Each steel producer participating herein will make available or cause to be made available only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products, and the quantities of steel products which it will make available or cause to be made available in any month during said period may be reduced, or at its option the delivery thereof may be postponed, in direct proportion to any production losses which it or such subsidiary or affiliate shall sustain during any such month due to causes beyond its control.

(d) Each such steel producer will, if requested by the Office of Defense Transportation (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) report to the Office of Defense Transportation the total quantities of the several types of steel products shipped pursuant to purchase orders certified as provided in section 3 (b) hereof, in any monthly period or periods during the operation of this plan.

3. (a) Each Builder becoming a participant herein will forthwith submit to the Office of Defense Transportation (unless previously submitted) a schedule showing by plants, the numbers, and types of domestic barges and towing vessels scheduled for production by it, monthly, and estimates of the quantities of steel products required therefor and for the conversion and repair of this type of equipment. The quantities and types of steel products to be made available monthly hereunder to the several participating Builders shall be initially determined by the Director of the Office of Defense Transportation after consultation with the Barge and Towing Vessel Industry Advisory Committee of the Office of Defense Transportation, subject to such revision, if any, from time to time, as may be deemed necessary by the Director of the Office of Defense Transportation after consultation with such Committee. For the purposes of such determination, consideration will be given to past production, conversion and repair records, plant capacity, orders for new domestic barges and towing vessels on hand and anticipated, and inventories of finished products on hand.

(b) By participation herein, the several Builders shall be obligated to use all steel products made available hereunder solely for the production of new domestic barges and towing vessels or for the repair or conversion of such type of equipment; not to resell or transfer any thereof (except to such subsidiary, affiliate or subcontractor as may be designated by any such Builder for the fabrication of such end products) in the form received by such Builders; and not to build up inventory of such steel products beyond current needs for the purposes hereof. Each purchase order placed with a steel producer for steel products to be made available hereunder shall bear the following certification of the Builder placing such purchase order:

The undersigned certifies to the seller and to the Department of Commerce that the steel products specified in this order will be used solely for and in the (construction) (conversion) (repair) of _____, and that this order is placed under, and in strict compliance with, Department of Commerce Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Construction, Conversion and Repair of Domestic Freight-Carrying Barges and Towing Vessels, with which the undersigned is familiar.

(c) Each Builder participating herein shall furnish such reports (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) on forms furnished by the Office of Defense Transportation, from time to time, as the Director of the Office of Defense Transportation may deem desirable or necessary, showing the total quantities and types of steel products received from all sources and the quantities and types of domestic barges and towing vessels produced, repaired, or converted and other relevant information.

4. After approval hereof by the Attorney General and by the Secretary of Commerce, and after requests for compliance herewith shall have been made of steel producers and Builders by the Secretary of Commerce, any such steel producer or any such Builder may become a participant herein by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers and such Builders as notify the Secretary of Commerce, in writing, that they will comply with such requests.

5. This plan shall become effective upon the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon notice, by letter, telegram or publication in the FEDERAL REGISTER, not less than 60 days prior to such earlier date.

6. Any such steel producer or Builder may withdraw from this plan by giving not less than 60 days written notice of his intention so to do to the Director of the Office of Defense Transportation and to the Secretary of Commerce.

Approved: August 25, 1948.

CHARLES SAWYER,
*Secretary of Commerce.*

Approved: August 24, 1948.

PEYTON FORD,
*Acting Attorney General.*

AUGUST 26, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for Allocation of Steel Products for Construction, Conversion and Repair of Domestic Freight-Carrying Barges and Towing Vessels, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395. A copy of the Plan is enclosed.

In accordance with the provisions of Paragraph 2 of the Plan, an initial determination has been made by the Director of the Office of Defense Transportation with respect to the quantities of each type of steel product which shall be made available monthly by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me with the advice of the Industry Task Committee, in accordance with Paragraph 2 of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
*Secretary of Commerce.*

AUGUST 26, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for the Construction, Conversion, and Repair of Domestic Freight-Carrying Barges and Towing Vessels, of 3,000 gross tons or less, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919 I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan.

Requests of like tenor are being directed to all other known builders proposed to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you agree in writing to comply with the Plan.

In accordance with paragraph 3 (a) of the Plan, the Director of the Office of Defense Transportation will determine, after consultation with the Barge and Towing Vessel Industry Advisory Committee, your allocation of steel beginning October 1, 1948, and during the remainder of the period this Plan shall remain in effect.

It is essential, in carrying out the proposed Plan, that I know as promptly as possible how many builders desire to participate in the Plan. I trust, therefore, that I may receive your favorable response on or before September 7, 1948. If I do not receive your accept-

ance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
*Secretary of Commerce.*

NOTE: The above requests for compliance with Department of Commerce Voluntary Allocation Plan for Construction, Conversion, and Repair of Domestic Freight-Carrying Barges and Towing Vessels was sent to steel producers and barge and towing vessel builders on an attachment filed with the original document.

[F. R. Doc. 48-8727; Filed, Sept. 29, 1948; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7357, 7621]

NORTHWESTERN OHIO BROADCASTING CORP. AND SKY WAY BROADCASTING CORP.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Northwestern Ohio Broadcasting Corporation, Lima, Ohio, Docket No. 7357, File No. BP-4447; Sky Way Broadcasting Corporation, Columbus, Ohio, Docket No. 7621, File No. BP-4824; for construction permits.

At a session of the Federal Communications Commission held at its offices on 24th day of September 1948:

The Commission having under consideration its order of September 16, 1948, released September 21, 1948, vacating its final decision of March 15, 1948, and scheduling oral argument upon the exceptions that may be filed to the Commission's revised proposed decision, for October 15, 1948, at 10:00 a. m.; and

It appearing that the orderly dispatch of the Commission's business requires the oral orgument to be scheduled for 2:00 p. m. rather than 10:00 a. m. on October 15, 1948;

*It is therefore ordered*, That oral argument upon any exceptions that may be filed by the parties pursuant to § 1.854 of the Commission's rules, be, and it is hereby, scheduled at 2:00 p. m., on October 15, 1948.

Released: September 24, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 48-8736; Filed, Sept. 29, 1948; 8:53 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-1121]

KENTUCKY WEST VIRGINIA GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 24, 1948.

Notice is hereby given that on September 9, 1948, Kentucky West Virginia Gas Company (Applicant) a West Virginia Corporation (formerly the Pittsburgh and West Virginia Pipe Line Company) having its principal place of business at Ashland, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, described as follows:

Approximately 3 miles of 10-inch transmission pipe line to parallel a 3-mile segment of Applicant's existing 8-inch and 10-inch transmission pipe line which originates at the Applicant's Dwale Compressor Station located in Floyd County, Kentucky, and terminates at the 12-inch transmission line of the Louisville Gas and Electric Company near the community of Sitka, Johnson County, Kentucky. Said proposed 3 miles of 10-inch transmission pipe line will be located in Floyd County, Kentucky, near the City of Prestonsburg, Kentucky.

The application recites that the construction and operation of the proposed 3 miles of transmission pipe line is a part of an overall plan ultimately to parallel a 9.71-mile segment of Applicant's existing 8-inch pipe line between its Dwale Compressor Station in Floyd County, Kentucky, and its Paintsville Compressor Station in Johnson County, Kentucky.

The application further recites that the proposed facilities will increase the capacity of Applicant's 8-inch and 10-inch transmission pipe line from a present daily capacity of between 18,000 and 18,500 Mcf to 20,000 Mcf per day, and will be used to offset the decline in its system deliveries resulting from a decreased delivery ability of Applicant's Tomahawk Compressor Station which compresses gas produced in the Martin County field and which is isolated from the remainder of Applicant's system.

Applicant states that delivery requirements from its system to Louisville Gas and Electric Company during the winter months of 1948-49 will be in the maximum daily scheduled amount of 22,000 Mcf, and that demands for gas by the Cities of Prestonsburg, Kentucky and Paintsville, Kentucky, to which it supplies gas at wholesale, have increased to over 2,223 Mcf daily during the past year. At the same time, Applicant says, despite new well drilling in the Martin County field, the delivery ability of that field has undergone a severe reduction and deliveries from that source probably will not exceed 3,000 to 3,500 Mcf per day during the coming winter as compared with deliveries up to 3,975 Mcf per day during the past winter. Consequently, the application recites, it will be necessary for Applicant to put itself in a position before the winter of 1948-49 to make up the anticipated deficiency in deliveries by transporting additional gas through its 8-inch and 10-inch transmission line to Sitka, Kentucky.

It is stated in the application that experience in the past has shown that little increase in total deliveries has resulted from the use of additional compressor units due to the inadequate size of Applicant's transmission pipe line.

It is further stated in the application that the completion of the proposed transmission facilities will not increase the overall delivery ability of Applicant's transmission system, but will increase the capacity of that portion of its system to which it is added and, for all practical purposes, merely offset the decline being experienced in the delivery ability from Applicant's Tomahawk Compressor Station.

The total volume of gas reserves available for delivery by Applicant are estimated in the application to amount to 762,438,900 Mcf, which, at the 1947 rate of production, are expected to give Applicant's Gas Production System a life of at least 25 years.

Applicant states that no additional revenue or reserves accruing by reason of the installation of the proposed facilities are anticipated, and that the rates to be charged for the natural gas to be delivered through the proposed line will be unchanged.

Applicant proposes to construct the facilities with its own working forces, and estimates the total overall capital cost thereof at $57,000, to be financed from Applicant's present available cash arising from Surplus and Depreciation and Depletion Reserves. Construction is proposed to commence by October 1, 1948 and to be completed by January 1, 1949.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Kentucky West Virginia Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 48-8707; Filed, Sept. 29, 1948; 8:45 a. m.]

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[Docket No. G-299]

LOUISIANA POWER & LIGHT CO.

NOTICE OF ORDER DISMISSING APPLICATION

SEPTEMBER 24, 1948.

Notice is hereby given that, on September 23, 1948, the Federal Power Commission issued its order entered September 21, 1948, dismissing application for a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 48 8708; Filed, Sept. 29, 1948; 8:45 a. m.]

[Docket No. G-594]

REYNOSA PIPE LINE CO.

NOTICE OF ORDER TERMINATING PROCEEDING

SEPTEMBER 24, 1948.

Notice is hereby given that, on September 23, 1948, the Federal Power Commission issued its order entered September 21, 1948, terminating proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 48-8709; Filed, Sept. 29, 1948; 8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 59-15]

NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of September A. D. 1948.

Notice is hereby given that New England Public Service Company ("NEPSCO"), a registered holding company, has filed an application with this Commission requesting a one-year extension to October 9, 1949, of the time in which NEPSCO must sell sufficient of its holdings of utility stocks to repay in full its bank loans presently outstanding in the aggregate amount of $12,300,000, as provided by the amended plan of NEPSCO for the retirement of its Prior Lien Preferred stock approved, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, by orders of the Commission dated June 27, 1947, and September 12, 1947.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the reasons for such request, which are summarized as follows:

The Commission, by orders dated June 27, 1947, and September 12, 1947, approved an amended plan of NEPSCO for the retirement of its Prior Lien Preferred stock which plan provided, among other things, for the borrowing of an amount not in excess of $16,000,000 for the period of one year from the First National Bank of Boston and four other banks and trust companies, and for the sale within one year after the date of the loan sufficient of NEPSCO's holdings of utility stock to repay the loan unless the Commission granted an extension. On October 9, 1947, NEPSCO, in the consummation of its plan, borrowed an aggregate amount of $13,500,000 for the period of one year with the right to two successive renewals, provided the Commission approves such renewals, at an interest rate of 2¼%. Under the loan agreement, NEPSCO is obligated to make quarterly payments, commencing January 1, 1948, of $400,000 on account of principal. The notes have now been reduced to $12,300,000 and will be further reduced to $11,900,000 on October 1, 1948. NEPSCO is now proposing to renew said notes for the period of one year from October 9, 1948. In connection with the issue and sale of common stock by Central Vermont Public Service Corporation, NEPSCO also borrowed an additional $500,000 from banks, so that as of October 1, 1948, its outstanding total indebtedness will amount to $12,400,000.

NEPSCO states that it intended to sell common stock of its subsidiary, Public Service Company of New Hampshire ("New Hampshire"), in order to pay off its bank loan made in connection with the consummation of said plan; that, however, shortly after the consummation of NEPSCO's plan, New Hampshire filed an application with this Commission for the issue and sale of 139,739 additional shares of common stock for its own account which sale was not fully consummated until May 4, 1948.

NEPSCO further states that in July 1948 it became apparent, due to lack of adequate precipitation and because of New Hampshire's low storage capacity for its hydro-electric plants, that the company's earnings would be seriously affected, and that this dry period has persisted through August, resulting in unsatisfactory earnings for New Hampshire during that month. It is represented that NEPSCO will sell, during the fall of 1948, 200,000 shares of its holdings of the common stock of New Hampshire. In connection therewith, NEPSCO has filed concurrently herewith a declaration for such sale at competitive bidding under Rule U-50, which declaration will be subject of a separate notice.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application should not be granted except pursuant to further order of this Commission;

*It is ordered*, That pursuant to the applicable provisions of the act and the rules and regulations thereunder, a hearing with respect to said application be held on October 5, 1948, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before October 4, 1948 his request or application therefor as provided in Rule XVII of the Commission's rules of practice.

*It is further ordered*, That James G. Ewell or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether New England Public Service Company has been unable in the exercise of due diligence to comply with the provisions of its amended plan providing for the sale of sufficient of its utility stocks to repay its bank loan made in connection therewith.

2. Whether the proposed renewal of the bank notes meets the requirement of section 7 of the act and whether such renewal will be detrimental to the carrying out of section 11.

3. Generally, whether the proposed transactions comply with all the requirements of the applicable provisions of the act and the rules promulgated thereunder, and whether any terms and conditions with respect to such transactions should be prescribed in the public interest or for the protection of investors or consumers.

*It is further ordered*, That particular attention be directed at said hearing to the foregoing matters and questions.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this order by registered mail on New England Public Service Company, the Federal Power Commission and on all persons heretofore granted participation in this proceeding, and that notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 48-8719; Filed, Sept. 29, 1948; 8:47 a. m.]

[File No. 70-1945]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of September 1948.

Notice is hereby given that a declaration, and amendments thereto, have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the Columbia Gas System, Inc. ("Columbia"), a registered holding company. Declarant has designated sections 6, 7 and 12 of the act and Rule U-42 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 1, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such re-

quest should be addressed, Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 1, 1948, said declaration, as filed or as further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Columbia has presently outstanding 12,229,874 shares of common stock, without par value. Columbia proposes to offer to its common stockholders an additional 1,223,000 shares of common stock. Rights to Subscribe will be issued to the common stockholders on the basis of one share of new common stock for each ten shares of common stock held by them. The price at which such new common stock will be offered will be supplied by amendment to the present declaration. The proceeds from the sale of the new common stock will be used by Columbia to finance in part its 1949 construction program.

Common stockholders will also have the privilege of subscribing to such of the new common stock not subscribed for through the exercise of rights to subscribe, subject to pro rata allotment. The Rights to Subscribe together with the additional subscription privilege will be evidenced by transferable warrants.

The declaration states that no fractional shares of common stock will be issued, but rights in excess of those necessary to subscribe for a full share may be sold or additional rights may be purchased to entitle the holder of the warrant to subscribe to one or more full shares of common stock.

The declaration further states that while the offer to the stockholders will not be underwritten, Columbia proposes to arrange for the payment of fees to members of the National Association of Security Dealers for subscriptions for new common stock solicited.

Columbia proposes to stabilize the price of its common stock and/or the rights to subscribe to the additional common stock for the purpose of facilitating the distribution and offering of the additional common stock. In connection therewith, Columbia may, after the making of its subscription offer and prior to the expiration thereof, purchase shares of common stock and rights to subscribe on the New York Stock Exchange and/or the Pittsburgh Stock Exchange through brokers with the payment of the regular stock exchange commission. Any rights which are purchased by Columbia may be retained, or may be sold by it on the exchanges at the current price and with payment of the regular stock exchange commission, or may be sold on the over-the-counter markets at prices not to exceed the current price of rights as quoted on the New York Stock Exchange and with payment of commissions not in excess of the regular New York Stock Exchange Commission on such transactions.

Columbia states that it will at no time acquire a net long position of shares of common stock (including for this purpose the equivalent shares represented by rights acquired) in excess of 10% of the additional common stock to be offered.

Prior to selling shares of common stock purchased in connection with the stabilization program, Columbia will file a post-effective amendment to its declaration, setting forth the terms and conditions upon which it will sell or dispose of such shares.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8720; Filed, Sept. 29, 1948; 8:48 a. m.]

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[File No. 70-1946]

STANDARD GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of September 1948.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, has filed an application-declaration, and an amendment thereto, pursuant to sections 9, 10, 11 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 thereunder relating to the transactions summarized below:

Standard Gas proposes to sell to underwriters 400,000 shares of its holdings of Common Stock $20 par value, of Oklahoma Gas and Electric Company ("Oklahoma"), and to apply the net proceeds toward the payment of interest and principal on its outstanding notes payable to banks, due April 10, 1949, aggregating $20,694,384.95 as of June 30, 1948. Standard Gas proposes to make purchases of Oklahoma Common Stock, if such purchases at the time are deemed necessary or desirable for the purpose of stabilizing the market price of such stock. Such purchases will be made from the date of this order until the time of the execution of an agreement between Standard Gas and the underwriters but in no event for a period in excess of 12 days. It is also proposed that any shares which Standard Gas may purchase pursuant to its stabilization program will be acquired subject to the requirements of the Commission's order, dated August 8, 1941, in File No. 59-9, wherein Standard Gas was directed, among other things, to sever its relationship with Oklahoma. In the event that Standard Gas acquires in excess of 1,000 shares of Oklahoma Common Stock as a result of its stabilization program, it is proposed that the underwriters shall purchase all of the shares so acquired, at the same price to be paid by the underwriters for the 400,000 shares of Common Stock. If Standard Gas acquires 1,000 or less shares of Oklahoma Common Stock, as the result of stabilization, such shares may or may not be sold to the underwriters, as aforesaid, and in the event they are not so sold such shares will be retained subject, however, to the provisions of the above-mentioned order dated August 8, 1941.

Standard Gas has requested an exemption from the competitive bidding requirements of Rule U-50 with respect to the proposed sale, and has further requested that the Commission enter an order finding that the sale of the aforesaid shares of Oklahoma Common Stock is necessary or appropriate to effectuate the provisions of section 11 (b) of the act and that the Commission's order herein shall contain appropriate recitals for purposes of sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code.

Standard Gas states that it will report by amendment the terms of the contract to be entered into with the underwriters and at that time request the entry of a final order by the Commission authorizing the proposed sale.

The application-declaration having been filed on September 13, 1948, and an amendment thereto having been filed on September 23, 1948, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon except as hereinafter specified; and

The Commission finding, with respect to the proposal to acquire shares of Oklahoma Common Stock for the purpose of stabilizing the market price of such stock, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that it is not necessary to impose any terms and conditions other than those set forth below and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the said application, as amended, with respect to said proposed acquisition of Oklahoma Common Stock be granted, and that the declaration, as amended, with respect to the sale of the Oklahoma Common Stock shall not be permitted to become effective and that the application for exemption of such sale from the provisions of Rule U-50 shall not be granted except pursuant to further order of the Commission; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the declaration, as amended, regarding the proposed sale, and with respect to the application for exemption from the competitive bidding requirements of Rule U-50:

*It is ordered*, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application, as amended, with respect to said proposal to acquire Oklahoma Common Stock be, and the same hereby is, granted, effective

forthwith, subject to the terms and conditions prescribed in Rule U-24.

*It is further ordered,* That the Commission's Order of August 8, 1941, requiring, among other things, that Standard Gas and Electric Company sever its relationship with Oklahoma Gas and Electric Company by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the Act or the Rules and Regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled, or operated by Oklahoma Gas and Electric Company, shall be deemed to require the disposition of any shares of Common Stock of Oklahoma Gas and Electric Company acquired as a result of stabilizing the market price of such Common Stock as authorized herein with the same force and effect as if said shares had been held by Standard Gas and Electric Company as at the date of the said order.

*It is further ordered,* That a hearing on the said declaration, as amended, with respect to the proposed sale, and the application for exemption from the provisions of Rule U-50, under the applicable provisions of the act and the rules and regulations thereunder be held on September 29, 1948, at 10:00 a. m., e. s. t., at the office of the Commission, 425 Second Street NW., Washington, D. C., in such room as may be designated on that day by the hearing-room clerk in Room 101.

*It is further ordered,* That James G. Ewell, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary study of said declaration, as amended, with respect to the proposed sale and said application for exemption from the provisions of Rule U-50 and that upon the basis thereof the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(a) Whether compliance with the provisions of paragraphs (b) and (c) of Rule U-50 with respect to the proposed sale of the Oklahoma Common Stock is necessary or appropriate in the public interest or for the protection of investors or consumers to assure the maintenance of competitive conditions, the receipt of adequate consideration or the reasonableness of any fees or commissions to be paid.

(b) Whether, in the event that an exemption from the provisions of Rule U-50 is granted, the terms and conditions of the proposed sale of the Oklahoma Common Stock meet the standards of section 12 (d) of the act.

*It is further ordered,* That at said hearing evidence shall be adduced with respect to the foregoing matter and questions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8722; Filed, Sept. 29, 1948; 8:48 a. m.]

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[File No. 812-566]

BANKERS SECURITIES CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of September A. D. 1948.

In the matter of Bankers Securities Corp., Girard Life Insurance Company, and Lit Brothers; File No. 812-566.

Notice is hereby given that Bankers Securities Corporation, 1315 Walnut Street, Philadelphia 7, Pennsylvania ("Bankers"), a registered investment company, Girard Life Insurance Company, 529 Chestnut Street, Philadelphia, Pennsylvania ("Girard Life"), a life insurance company, and Lit Brothers, Seventh and Market Streets, Philadelphia, Pennsylvania engaged in the business of operating a department store, all being corporations organized under the laws of the Commonwealth of Pennsylvania, have jointly filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act a proposed sale by Lit Brothers to Girard Life of certain first mortgage loans hereinafter more fully described, aggregating $49,850 in principal amount at a price of 101% of par plus accrued interest. Such mortgages are to be serviced by Bankers Bond & Mortgage Company ("Bankers Bond"), 1315 Walnut Street, Philadelphia, Pennsylvania, at a servicing charge of ½ of 1% per annum as compensation for its services in supervision of such mortgages, collecting and remitting interest and payments on account of principal, overseeing the payment of taxes and other public charges and the maintenance of insurance held as collateral with the mortgages.

Bankers is a closed-end, non-diversified management investment company and is registered under the Investment Company Act of 1940. Bankers owns a majority of the voting stock of City Stores Company, ("City Stores"), a department store holding company which in turn owns 68.6% of the outstanding voting securities of Lit Brothers. In addition, Bankers itself, owns approximately 2.7% of the outstanding voting securities of Lit Brothers. Bankers also owns more than 69% of the outstanding voting securities of Girard Life and 43% of the outstanding voting securities of Bankers Bond & Mortgage Guaranty Company of America, which owns all of the outstanding voting securities of Bankers Bond.

Lit Brothers owns the following first mortgages and accompanying bonds, all of which are in good standing:

(1) Mortgage loan dated February 6, 1932 in the principal amount of $15,000 now reduced to $7,750 secured by premises at No. 1913 North 54th Street, Philadelphia, Pennsylvania;

(2) Mortgage loan dated June 1, 1942, in the principal amount of $35,000 now reduced to $28,700, secured by premises at No. 302 Day Avenue, Fairview, Bergen County, New Jersey; and

(3) Mortgage loan dated January 29, 1943, in the principal amount of $55,000 reduced to $13,400 secured by premises at the southeast corner of Washington Avenue and 20th Streets, Philadelphia, Pennsylvania.

The proposed transactions involve the sale of securities by an affiliated person (Lit Brothers) of an affiliated person (City Stores) of a registered investment company (Bankers) to a company (Girard Life) controlled by such registered investment company (Bankers). Said transaction also involves the purchase by an affiliated person (Girard Life) of a registered investment company (Bankers) of securities from a company (Lit Brothers) controlled by such registered investment company (Bankers). Such puchase and sale, therefore, are prohibited by sections 17 (a) (1) and 17 (a) (2) respectively of the act unless an exemption therefrom is granted by the Commission pursuant to the provisions of section 17 (b) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given than an order granting the application may be issued by the Commission at any time after October 7, 1948, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 5, 1948, at 5:30 p. m., eastern standard time submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8723; Filed, Sept. 29, 1948; 8:48 a. m.]